



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

DEC 27 2007

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

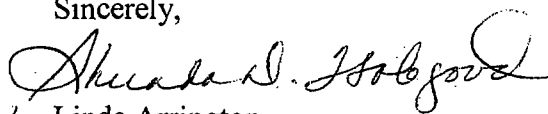
Re: To replace the Warranty Statement
EPA Reg No.: 2935-523
Date of Submission: November 5, 2007

Dear Ms. Escamilla:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated November 5, 2007, for the product, Wil-Gro Hort Oil 98-2. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall 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 Joyce Edwards of my staff at 703-308-5479.

Sincerely,


for 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
215

Application for Pesticide - Section I

1. Company/Product Number Wilbur-Ellis Company	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Wil-Gro Hort Oil 98-2	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Wilbur-Ellis Company PO Box 1286 Fresno CA 93715 <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 _____	NOTIFICATION DEC 27 2007
<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.)

- In the Section of Mixing Directions under WALNUTS. Changed the statement, "See label for recommended dosages to "See the phosphate insecticide label for recommended dosages".
- Replaced the Warranty Statement with Warranty Statement that has been pre-approved by Don Stubbs.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
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"/> Text		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
		If "Yes" Package wgt	No. per container	<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 5 gal & 30 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 checked="" 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 Sandi Escamilla	Title Registration Specialist	Telephone No. (include Area Code) 559-495-2109
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 <i>Sandi Escamilla</i>	3. Title Registration Specialist	
4. Typed Name Sandi Escamilla	5. Date November 5, 2007	



HORT OIL 98-2

NOTIFICATION

MITICIDE - INSECTICIDE

DEC 27 2007

ACTIVE INGREDIENT	% By Wt.
Mineral Oil	98.0%
INERT INGREDIENTS	2.0%
TOTAL	100.0%

Minimum unsulfonated residue (ASTM D-483) 92.0%

EPA REG. NO. 2935-523

EPA Est. No. 2935-WA-3

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

If swallowed:	-Call a poison control center or doctor immediately for treatment advice. -Do not induce vomiting unless told to do so by a poison control center or doctor. -Do not give anything by mouth to an unconscious person.
If in eyes:	-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:	-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:	-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.

PRECAUTIONARY STATEMENTS

CAUTION

HAZARDS TO HUMANS: Harmful if swallowed or absorbed through the skin or inhaled. Causes moderate eye irritation. Avoid contact with eyes, skin or clothing. Avoid breathing spray mist. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

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

Applicators and other handlers must wear: A) Long-sleeved shirt and long pants; B) Chemical-resistant gloves such as Barrier Laminate, Nitrile Rubber, Neoprene Rubber or Viton; C) Shoes plus socks.

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

ENVIRONMENTAL HAZARDS

This product is toxic to fish. Terrestrial uses on the label: do not apply directly to water, 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 washwaters. Apply this product only as specified on the label.

PHYSICAL OR CHEMICAL HAZARDS

Do not expose to heat, flame, sparks or other sources of ignition.

USER SAFETY RECOMMENDATIONS

Users should:

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

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 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), and restricted-entry interval. The requirements in this box apply only 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 4 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) Chemical-resistant gloves such as Barrier Laminate, Nitrile Rubber, Neoprene Rubber or Viton; C) Shoes plus socks.

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

To avoid injury to trees, fruit or foliage the following precautions should be taken when using emulsifiable spray oils; Do not combine HORT OIL 98-2 with sulfur sprays on foliage or apply following a sulfur spray on foliage. Avoid applications of sulfur following sprays of HORT OIL 98-2 until sufficient time has elapsed for oil dissipation.

For foliage applications, the spray tank should be free of sulfur residues. After bloom, do not combine or injury may result. When through spraying with oil, clean tanks and system of any residues in that oil residues may cause crop injury when combined with some spray materials.

On oil sprays both dormant and summer followed or preceded by sprays of other materials that may not be compatible with oil, sufficient interval needs to be maintained as there is the potential for serious leaf and fruit bud injury and a reduction in fruit set.

Do not use if emulsion breaks. If the emulsion should break in the spray tank, free oil will float to the surface causing excessive oil deposits at the end of each tank. Severe injury to trees may result if used under these conditions. When cool, slow drying conditions exist, labeled rates may cause greater potential for delayed bud development and or leaf and fruit bud damage which may result in reduced fruit set.

Use lower labeled rates or delay application until weather improves. Do not apply when temperatures are likely to fall below freezing before the spray has had a chance to dry. Do not apply HORT OIL 98-2 when temperature is below 40°F. Avoid use in sprayers having hydraulic agitation or those having insufficient agitation to form an emulsion with HORT OIL 98-2.

If spray solution containing HORT OIL 98-2 has set without agitation for more than five minutes, be sure to flush all spray hoses back into spray tank and agitate for five minutes before resuming spray application.

MIXING DIRECTIONS

With agitator running, start filling spray tank with water. When combining with wettable powder or fungicide products, add these first when tank is 1/3 filled. Add HORT OIL 98-2 when tank is about 1/2 full and while there is sufficient agitation of the spray to complete emulsification. Be sure whether spraying by air or ground, dilute or concentrate, that agitation is adequate to keep the spray mixed uniformly.

AERIAL APPLICATION: When applying HORT OIL 98-2 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. Consult your local Ag Chem authority for approved combinations of HORT OIL 98-2 with other materials.

APPLES: Dormant to delayed timing for the control of SAN JOSE SCALE, APHIDS, EUROPEAN RED and BROWN MITE EGGS and GRAPE MEALYBUG.

Dilute application (200 to 400 gallons per acre): Use 1 to 2 gallons of HORT OIL 98-2 per 100 gallons of water. Be sure to maintain thorough coverage for adequate pest control. Do not exceed 8 gallons of HORT OIL 98-2 per acre. Consult your local agricultural consultant for specific area rates.

Concentrate application (25 to 125 gallons per acre): Use 2 to 5 gallons of HORT OIL 98-2 per acre. On young trees and on oil-susceptible varieties use the lower rate. Consult your local agricultural consultant for specific area rates.

Summer application timing for the control of ORCHARD MITES and SAN JOSE SCALE.

Dilute application (200 to 400 gallons per acre): Use 1 to 4 quarts of HORT OIL 98-2 per 100 gallons of water as a dilute spray.

Concentrate application (25 to 125 gallons per acre): Use 1 to 3 gallons of HORT OIL 98-2 per acre. On young trees and susceptible varieties use lower rates. Special precautions should be used in summer oil applications. Summer oil applications have greater potential for plant and fruit damage than pre-bloom applications.

PEARS: Dormant to delayed dormant timing for the control of SAN JOSE SCALE, APHIDS, EUROPEAN RED and BROWN MITE EGGS, GRAPE MEALYBUG, a synergist for PEAR PSYLLA insecticides and delay of PEAR PSYLLA egg depositions. If two applications are used pre-bloom at the dormant and delayed dormant timings, then reduce oil rates to the lower labeled amounts.

Dilute application (200 to 400 gallons per acre): Use 1 to 2 gallons of HORT OIL 98-2 per 100 gallons of water. Be sure to maintain thorough coverage for adequate pest control.

Concentrate application (25 to 125 gallons per acre): Use 2 to 5 gallons of HORT OIL 98-2 per acre. On young trees and oil-susceptible varieties use lower rates.

Summer applications for the control of ORCHARD MITES, SAN JOSE SCALE and as a synergist for PEAR PSYLLA INSECTICIDES.

Dilute application (200 to 400 gallons per acre): Use 1 to 4 quarts HORT OIL 98-2 per 100 gallons of water as a dilute spray.

Concentrate application (25 to 125 gallons per acre): Use 1 to 3 gallons of HORT OIL 98-2 per acre. On young trees and susceptible varieties use lower rates. Special precautions should be used in summer oil applications. Summer oil applications have greater potential for plant and fruit damage than pre-bloom applications. At higher elevations and cooler pear growing districts use lower end of labeled rates.

APRICOTS, CHERRIES, NECTARINES, PEACHES, PLUMS, PRUNES: Dormant to delayed dormant timing for the control of SAN JOSE SCALE, APHIDS, EUROPEAN RED and BROWN MITE EGGS. **Dilute application (200 to 400 gallons per acre):** Use 1 to 2 gallons of HORT OIL 98-2 per 100 gallons of water as a dilute spray.

Concentrate application (25 to 125 gallons per acre): Use 3 to 5 gallons of HORT OIL 98-2 per acre. On young trees and oil-susceptible varieties use the lower rate.

GRAPES: For the control of MEALY BUGS, apply at the rate of 1 gallon per 100 gallons of water. Use 300 gallons of this mixture per acre with thorough coverage of the vines at delayed dormant stage up to bud break.

For concentrate applications: Use 3 gallons per acre in 40 to 100 gallons of water.

WALNUTS (Late spring to Mid-Summer only): Summer stages of FROSTED SCALE, EUROPEAN FRUIT SCALE, SAN JOSE and other soft-shelled scale, RED SPIDER MITES. Use 2 to 4 quarts of HORT OIL 98-2. The addition of an approved phosphate insecticide aids in scale control. See the phosphate insecticide label for recommended dosages. Do not apply after husk split.

ORNAMENTAL and SHADE TREES such as, but not limited to, Pyracantha, Sycamore, Hawthorn, Flowering Peach, Flowering Cherry, Flowering Crab, Apple, Magnolia, Maple, Dogwood, Oak, Privet, Birch, (Conifers and Broadleaf Evergreens - see cautions).

For use on: Soft Brown Scale, Oyster Shell Scale, Brown Apricot Scale, Black Scale, San Jose Scale, overwintering Aphids, Mites and Mite Eggs. Use 1-2 gallons per 100 gallons of water. The higher rate will be more effective. This product may be used as a summer oil, but test thoroughly on all species intended for treatment prior to commercial use.

CAUTIONS: Do not spray on freshly sheared or pruned plant materials. Do not use on Conifers and ferns not tolerant to oil sprays. In colder climates, broadleaf evergreens such as Rhododendrons, Cherry Laurel, Holly,

Ivy, Azalea, Oregon Grape, Cotoneaster, Barberry and Yews may be sensitive to oil sprays. All oil sprays may cause discoloration to blue spruce and blue varieties of Junipers. Allow sprays to dry before temperatures fall below freezing. Do not spray at temperatures below 35 degrees Fahrenheit. If handgun has not been used for 20 minutes or longer, recirculate back into the tank until the hose is flushed. Insecticides approved for ornamental use, such as Dursban or Diazinon may be added. Read and follow all label instructions on the insecticide labels.

STORAGE AND DISPOSAL

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

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may 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.

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

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 this 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.

WILBUR-ELLIS logo®, IDEASTO GROW WITH® and R-11® are registered trademarks of Wilbur-Ellis Company.

F-1007

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

NET CONTENTS:

Manufactured for:

**WILBUR-ELLIS COMPANY
P.O. Box 16458 • Fresno, CA 93755**



November 5, 2007

CERTIFIED MAIL
Return Receipt Requested

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

Subject: Wil-Gro Hort Oil EPA Reg. No. 2935-523

Dear Sir or Madam,

By the way of this Notification, Wilbur-Ellis Company has:

Replaced the Warranty Statement with a Warranty Statement that has been pre-approved by Don Stubbs.

In the Section of Mixing Directions under WALNUTS, changed the statement, "See label for recommended dosages to "See the phosphate insecticide label for recommended dosages. The F-code at the bottom right hand corner of the label has been changed to F-1007.

Enclosed is the EPA Form (8670-1) along with the five revised labels.

Please call me at (559) 493-2108 or email me at sescamil@wecon.com if you have any questions.

Sincerely,

Sandi Escamilla
Registration Specialist
Wilbur-Ellis Company

WILBUR-ELLIS COMPANY
PRODUCT REGULATORY DEPARTMENT

2737 S. GOLDEN STATE BLVD. FRESNO, CALIFORNIA 93725
P.O. BOX 1286, FRESNO, CALIFORNIA 93715
TEL (559) 496-3350 * FAX (559) 233-4558