

2935-535

07-08-2010

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U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs  
Registration Division (7504P)  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

EPA Reg. Number:

2935-535

Date of Issuance:

JUL 08 2010

NOTICE OF PESTICIDE:

Registration  
 Reregistration  
(under FIFRA, as amended)

Term of Issuance:

Name of Pesticide Product:

Dry Up

Name and Address of Registrant (include ZIP Code):

Wilbur-Ellis Company  
P.O. Box 1286  
Fresno, CA 93715

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 registered/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.

This product is reregistered in accordance with FIFRA provided that you:

- 1) Submit and/or cite all data required for registration/reregistration review of your product when the Agency requires all registrants of similar products to submit data.

Signature of Approving Official:

Mary Waller  
Product Manager 21  
Fungicide Branch  
Registration Division (7504P)

Date:

JUL 08 2010

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- 2) Change the total metallic copper to 15.5%.
- 3) Move "Some materials that are chemical-resistant to this product are ...follow the instructions for category A on an EPA chemical-resistance category selection chart" to immediately below the heading "Personal Protective Equipment (PPE)."

4) The Environmental Hazards text currently on the label must be revised to read:

"This pesticide is toxic to fish and aquatic invertebrates and may contaminate water through runoff. This product has a potential for runoff for several months or more after application. Poorly draining soils and soils with shallow water tables are more prone to produce runoff that contains this product. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas.

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 or rinsate."

Note: The text "Certain water conditions....increases the potential acute toxicity to non-target aquatic organisms" must be deleted from the label.

5) Change "General Information" to "Product Information".

6) To the Grapes section change "20 pounds per acre" to "19.4 pounds of product per acre (equivalent to 3 pounds of metallic copper)". Change "133 pounds per acre" to "129 pounds of product per acre (equivalent to 20 pounds of metallic copper)".

7) To the Warranty section, add "to the extent consistent with applicable law" in front of "Except for this warranty", "Buyer and User accept all risks", and "Injuries or damages".

A stamped copy of the label is enclosed for your records. You must submit one copy of the final printed label before you release the product for shipment. Products shipped after 12 months from the date of this letter or the next round of printing must bear the new revised label. If these EPA conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA. Your release for shipment of the product constitutes acceptance of these conditions. This label supersedes all other previously accepted labels. If you have any questions please call Erik Kraft at 703-308-9358 or email at Kraft.Erik@epa.gov.

Enclosure: Product Chemistry Review  
Acute Toxicology Review



# DRY UP™

ACCEPTED  
with COMMENTS  
In EPA Letter Dated:

Jul 08 2010  
Under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
as amended, for the pesticide  
registered under EPA Reg. No.

2935-535

<b>ACTIVE INGREDIENTS:</b>	
Copper oxychloride (CAS No. 1332-65-6).....	19.36%
Basic Copper Sulfate (CAS No. 1344-73-6).....	7.11%
Sulfur.....	25.00%
<b>OTHER INGREDIENTS.....</b>	<b>48.53%</b>
	100.0%

Metallic copper equivalent.....~~15.00%~~ <sup>15.51%</sup> by weight

EPA Reg. No. 2935-535

EPA Est. No. 2935-CA-1

## 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 in Eyes:	<ul style="list-style-type: none"> <li>• 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 eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
If on Skin or Clothing:	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
EMERGENCY TELEPHONE NUMBERS: (800) 424-9300 CHEMTREC (transportation and spills); (800) 900-4044 Poison Control Center (human health); (800) 345-4735 ASPCA (animal health)	

### PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

**CAUTION:** Causes moderate eye irritation. Avoid contact with eyes or clothing. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling.

### PERSONAL PROTECTIVE EQUIPMENT (PPE)

Mixers, loaders, applicators, and other handlers must wear: A) Long-Sleeved shirt and long pants; B) Chemical-resistant gloves; C) Shoes plus socks.

Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables exists, 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.

Some materials that are chemical-resistant to this product are natural rubber  $\geq 14$  mils. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

### ENGINEERING CONTROLS

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets with requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 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: 1) Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. 2) Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. 3) 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.

NET CONTENTS: 50 LBS. (22.68 KG)

**ENVIRONMENTAL HAZARDS**

This pesticide is toxic to fish and aquatic invertebrates and may contaminate water through runoff. This product has a potential for runoff for several months or more after application. Poorly draining soils and soils with shallow water tables are more prone to produce runoff that contains this product. For terrestrial uses, 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 wash-waters or rinsate.

Certain water conditions including low pH ( $\leq 6.5$ ), low dissolved organic carbon (DOC) levels (3.0 mg/L or lower), and "soft" waters (i.e., alkalinity less than 50mg/L), increases the potential acute toxicity to non-target aquatic organisms.

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

**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, decontaminating, 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 48 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 soil or water is: A) Coveralls over long-sleeved shirt and long pants; B) Chemical-resistant gloves made of any waterproof material; C) Chemical-resistant footwear plus socks; D) Chemical-resistant headgear if overhead exposure; E) Protective eyewear and F) Chemical-resistant apron when mixing, loading, cleaning equipment or spills, or otherwise exposed to the concentrate:

Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

**STORAGE AND DISPOSAL**

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

**PESTICIDE STORAGE:** Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry, secure place and avoid excess heat. Carefully open containers. After partial use, fold and roll back bags, clamp and close tightly. Do not put concentrate or dilute material into food or drink containers. Do not contaminate other pesticides, fertilizers, water, food or feed by storage or disposal.

In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. Confine spills.

To confine spill: If liquid, dike surrounding area or absorb with sand, cat litter or commercial clay. If dry material, cover to prevent dispersal. Place damaged package in a holding container. Identify contents.

**PESTICIDE DISPOSAL:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

**NONREFILLABEL CONTAINER:** Do not reuse or refill this container.

**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.

**USE PRECAUTIONS**

**IMPORTANT:** Do not apply this product if temperatures during or within 3 days after application are expected to exceed 90°F in the area to be treated. Do not make applications within 2 weeks of an oil spray. Sulfur may burn foliage and fruit during periods of high temperature and under certain climatic conditions.

**CALIFORNIA DRIFT RESTRICTIONS**

The following conditions must be followed when using this product in the State of California for both ground and air applications.

1. The operator of the property and the applicator must establish a buffer zone of enough distance to prevent drift onto non-target areas such as hospitals, clinics, schools, residential areas and any other area designated by the county agricultural commissioner.
2. The operator of the property and the applicator must evaluate the method and equipment for each site to ensure proper and safe use. Evaluations shall include, but not be limited to the appropriateness of ground or air application.
3. Sulfur shall not be applied when the wind velocity exceeds 10 miles per hour. Applicators should be aware that in some areas, "dead calm" conditions are often associated with an inversion situation. In these areas, applying sulfur when there is a minimum air movement of 2 miles per hour will ensure that an inversion situation does not exist.
4. When applying sulfur dust, best application practices should be utilized. Contact your local pest control advisor or county cooperative extension advisor to obtain information regarding best application practices.

**GENERAL INFORMATION**

DRY UP™ is a product containing sulfur and copper oxychloride sulfate, a fixed neutral copper.

**GRAPES:** Bunch Rots, Powdery Mildew – Use <sup>12.5 (20 lbs. copper)</sup> ~~20~~ pounds per acre. Apply at the time berries begin to touch. Repeat at weekly intervals or as needed to maintain control. For disease control the material must be applied before the disease appears.

Do not apply more than <sup>12.5</sup> ~~133~~ pounds per acre per year. <sup>(20 lbs. of copper)</sup>

The minimum retreatment interval is 3 days.

Concord and other Labrusca type grapes may be injured by sulfur. Consult your State Agricultural Experiment Station or your State Agricultural Extension Service for additional information consistent with directions on this label.

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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.

WILBUR-ELLIS Logo® and IDEAS TO GROW WITH® are registered trademarks of WILBUR-ELLIS Company.  
DRY UP™ is an applied for trademark of Wilbur-Ellis Company.

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

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

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