

2935-543

8/25/2009

1045

**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:

2935-543

Date of Issuance:

AUG 25 2009

9836215
676/1275**NOTICE OF PESTICIDE:**

☐ Registration
☒ Reregistration
(under FIFRA, as amended)

Term of Issuance: **unconditional**

Name of Pesticide Product:

GULF ORCHARD SPRAY 70

Name and Address of Registrant (include ZIP Code):

Wilbur-Ellis Company
Product Regulatory Department
P.O. Box 1286
Fresno, CA 93725
ATTN: Andrew Chang, Product Regulatory Manager

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 (FIFRA), as amended. 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 labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable, provided that you submit two (2) copies of the final printed label incorporating the changes listed below.

1. Insert the words "FOR MANUFACTURING USE ONLY" below the name of the product.
2. In the statement of ingredients, change the name used for the active ingredient from "Petroleum Oil" to "Mineral Oil" and footnote "Mineral oil" with a statement that reads "Contains petroleum distillates".

Signature of Approving Official:

Meredith F. Laws
Meredith F. Laws, Chief
Insecticide-Rodenticide Branch

Date:

AUG 25 2009

3. Change the "EPA REG. NO." to "2935-543".
4. 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.

5. The sentence "Have the product container or label with you ... for treatment" appears in the table-wide cell at the top of the "**FIRST AID**" box. That text should be moved to a table-wide cell with the subheading "**HOT LINE NUMBER:**" which should be inserted into the table above the "**NOTE TO PHYSICIAN:**" cell. After the sentence "Have the product container or label with you ... for treatment", add the following sentence:

You may also contact 1-800-xxx-xxxx for emergency medical treatment information.

You are responsible for determining and inserting the appropriate complete telephone number.

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

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

Revise the "**If swallowed:**" statements by inserting the following text as the fourth bulleted item: "Do not give any liquid to the person."

8. Revise the "**NOTE TO PHYSICIAN:**" to read

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

9. In the "**STORAGE AND DISPOSAL**" section, replace the subheading "**Storage:**" with "**Pesticide Storage:**".

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10. Revise the “**Container Disposal:**” and “**Nonrefillable Container:**” paragraphs to be consistent with 40 CFR §156 Subpart H and PR Notice 2007-4, as revised April 29, 2008. Note that distinct directions for rinsing are needed depending upon the sizes of containers used and whether they are refillable. The master label must indicate the statements that are proposed to be used for each type and size range of container. As this product is for manufacturing purposes only, the statements used should not refer to application equipment.
11. Add your company’s telephone number under the company name and address

Products shipped after 12 months from the date of this Notice or the next printing of your label, which ever occurs first, must bear the new revised label. Submit one copy of the final printed label before shipping this product bearing the new revised label.

The Confidential Statement of Formula (CSF) dated “Sept. 3, 2008” is accepted and replaces all CSFs previously accepted for this product.

A copy of the stamped accepted label is enclosed.

If you have any questions about this letter, you may reach Dr. William W. Jacobs of my staff by phone (703-305-6406), by FAX (703-308-0029), or by e-mail (jacobs.bill@epa.gov).

Sincerely,



for Meredith F. Laws, Chief
Insecticide-Rodenticide Branch
Registration Division (7505P)

Enclosure

4045



Gulf Orchard Spray 70

ACTIVE INGREDIENT

Petroleum Oil.....100.0%

% By Wt.

Minimum Unsulfonated Residue.....92%

EPA REG. NO. 59639-32

KEEP OUT OF REACH OF CHILDREN CAUTION

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: 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.

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 do so by a poison control center or doctor. •Do not give anything by mouth to an unconscious 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:	<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	

ENVIRONMENTAL HAZARDS

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

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 ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH PRECAUTIONARY STATEMENTS AND DIRECTIONS, AND WITH APPLICABLE STATE AND FEDERAL REGULATIONS.

THIS PRODUCT IS FOR USE IN THE FURTHER PREPARATION OF FUNGICIDE-INSECTICIDE PRODUCTS. DO NOT USE FOR ANY OTHER PURPOSES. Pesticide formulated with Gulf Orchard Spray 70 will require registration with the Environmental Protection Agency.

Only for Formulation Into Fungicide-Insecticide products Intended For:

(1) The following use(s): Citrus

(2) This product may be used to formulate products for any additional use(s) not listed on the MP label if the formulator, user group, or grower has complied with U.S. EPA submission requirements regarding support of such use(s).

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.

ACCEPTED
With COMMENTS
In EPA Letter Dated:
AUG 25 2009
Under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:
2935-543

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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®, IDEAS TO GROW WITH® are registered trademarks of Wilbur-Ellis Company.

F-082108

Batch Code _____

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

NET CONTENTS:

Manufactured for:

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

