

4581-412

2-16-2005

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**U.S. ENVIRONMENTAL PROTECTION
AGENCY**

Office of Pesticide Programs
Registration Division (7505C)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

EPA Reg.
Number:

4581-412

Date of
Issuance:

FEB 16 2005

Terms of Issuance:
Conditional

Name of Pesticide Product:

**CUPROFIX® 40
TECHNICAL**

NOTICE OF PESTICIDE:

☒ Registration☐ Reregistration

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

Cerexagri, Inc.**630 Freedom Business Center, Suite 402****King of Prussia, PA 19406**

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, this product is conditionally registered under the Federal Insecticide, Fungicide and Rodenticide Act 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.

This product is conditionally registered in accordance with FIFRA Section 3(c)(7)(A) provided that you comply with the conditions of registration specified on page 2. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions

The revised Basic Confidential Statement of Formula dated August 23, 2004 is acceptable. A copy of your label stamped "Accepted with comments" is included for your records. A copy of the Agency's Product Chemistry Review D307216 dated January 7, 2005 is enclosed for your records.

Signature of Approving Official:

Olga Odiott, Acting Product Manager (22)
Registration Division, Fungicide Branch

Date:

FEB 16 2005

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Conditions of Registration:

CUPROFIX® 40 TECHNICAL

EPA Reg. No. 4581-412

1. Submit and/or cite all data required for registration of your product under FIFRA Section 3(c)(5) when the agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under FIFRA Section 4.
2. Make the following label changes before you release the product for shipment:
 - A. Revise the EPA Registration Number to read "EPA Reg. No. 4581-412"
 - B. In the List of Ingredients section add two asterisks after "OTHER INGREDIENTS" and add the following sentence below "** Metallic Copper....":

*** Total arsenic, all in water soluble form, expressed as elemental, 0.00171%"
 - C. Revise the Precautionary Statements as follows:

"Harmful if swallowed. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals."
 - D. In the First Aid block, the routes of exposure must be listed in order of decreasing acute toxicity category. Therefore, the first item in the list must be "If swallowed"
 - E. Under Warranty and Disclaimer, revise the statement "In no case shall Cerexagri or seller be liable...." to read "To the extent permitted by law, Cerexagri or seller shall not be liable...." As currently written the statement negates and/or detracts from labeling requirements as set forth by the Agency in 40CFR Part 156, and is, therefore, considered misbranding.
3. Submit one copy of the revised final printed label before releasing the product for shipment.

Please note that the product cited as similar (4581-395) is not considered substantially similar to 4581-412 from the product chemistry point of view. However, the Agency agrees that while different, they differ only in ways that would not significantly increase the risk of unreasonable adverse effects on the environment.

CUPROFIX® 40 TECHNICAL

For Manufacturing Purposes Only

ACTIVE INGREDIENT

Basic Copper Sulfate*.....90.3%

OTHER INGREDIENTS.....9.7%

TOTAL.....100.0%

* Metallic Copper Equivalent, 50.8%

Keep out of reach of Children

CAUTION

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Causes moderate eye irritation. Avoid contact with eyes, skin or clothing. Wear protective eyewear, clothing and chemical-resistant gloves made of any waterproof material such as polyethylene or polyvinyl chloride. Harmful if swallowed, inhaled or absorbed through skin. Avoid breathing dust. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

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 eye.• Call a poison control center or doctor for treatment advice.
If on skin or clothing	<ul style="list-style-type: none">• Take off contaminated clothing.• Rinse skin immediately with plenty of water for 15-20 minutes.• Call poison control center or doctor for treatment advice.
If swallowed	<ul style="list-style-type: none">• Call a poison control center or doctor immediately for treatment advice.• Have person sip a glass of water if able to swallow.• 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 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.

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

EPA Registration No. 4581-URE

EPA Establishment No. 4581-FRA-002

Net Weight _____

Cerexagri, Inc.

A wholly-owned subsidiary of ATOFINA Chemicals, Inc.

630 Freedom Business Center, Suite 402, King of Prussia, PA 19406

ACCEPTED
with COMMENTS
In EPA Letter Dated:
FEB 16 2005

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
Registration, Use, Distribution,
and Disposal of Pesticides Act,
and related laws.

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ENVIRONMENTAL HAZARDS

This product is toxic to fish and aquatic organisms. 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 (NRDE) 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.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store only in original container. Store in a cool, dry place. Store pesticides separately to prevent cross contamination of other pesticides, fertilizer, food and feed.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental control Agency or the hazardous Waste representative at the nearest EPA Regional Office for guidance.

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.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

It is the responsibility of formulators using this product to register all pesticidal formulations made from it with the EPA. Before using this product, be sure to consult the technical literature available from the manufacturer.

Only for formulation into a fungicide/bactericide for (1) the following uses: Citrus (grapefruit, kumquat, lemon, lime, orange, tangelo, and tangerine), Field Crops (alfalfa, barley, oats, peanut, potato, soybeans, sugar beet, and wheat), Small Fruits (blackberry, blueberry, cranberry, currant, gooseberry, raspberry, and strawberry), Tree Crops (almond, apple, apricot, avocado, banana, cacao, cherry, coffee, filbert, mango, nectarine, olive, peach, pecan, pistachio, plum, prune, quince, and walnut), Vegetables (bean, beet greens, broccoli, Brussels sprouts, cabbage, cantaloupe, carrot, cauliflower, celeriac, celery, cucumber, eggplant, greens (collard, mustard, and turnip), honeydew, muskmelon, onion, pea, pepper, pumpkin, spinach, squash, table beet, tomato, watercress, and watermelon, Vines (grape, hops, and kiwi), Greenhouse and Shadehouse Crops, Turfgrass, Ornamentals, and Other Crops (atemoya, carambola, chives, dill, Douglas fir, ginseng, guava, litchi, live oak, macadamia, mamey sapote, papaya, parsley, passion fruit, pecan, sugar apple, and sycamore; (2) uses for which USEPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration; and (3) uses for experimental purposes that are in compliance with USEPA requirements.

The Manufacturer disclaims liability for claims or damages resulting from any use of a formulated product in a manner or on a crop not specifically listed on this label.

WARRANTY AND DISCLAIMER

Cerexagri, Inc. warrants that this material conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions for Use, subject to the risks referred to therein. CEREXAGRI, INC. MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. IN NO CASE SHALL CEREXAGRI, INC. OR SELLER BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT INCLUDING, BUT NOT LIMITED TO, LOSS OF PROFITS, BUSINESS REPUTATION, OR CUSTOMERS; LABOR COST; OR OTHER EXPENSES INCURRED IN PLANTING OR HARVESTING.

Cerexagri, Inc. and seller offer this product and the buyer and user accept it subject to the foregoing conditions of sale and warranty which may be varied only by agreement in writing signed by a duly authorized representative of Cerexagri, Inc.

Made in France

rev. date 8/23/04