

5481-8978

03/26/2009

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Ms. Kaila Moran
Product Manager
Amvac Chemical Corporation
4695 MacArthur Court, Suite 1250
Newport Beach, CA 92660

MAR 26 2009

Subject: Notification for Alternate Brand Name:
Orthene 97 ST
Basic Product Name: Orthene 97 Pellets
EPA Reg. No. 5481-8978
Notification Dated March 5, 2009

Dear Ms. Moran:

The Agency is in receipt of your subject Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the subject product.

The Registration Division (RD) has conducted a review of this request for applicability under PRN 98-10 and finds that the label change requested falls within the scope of this PR Notice. The label has been date-stamped "Notification" and will be placed in our records.

Please be advised that labels bearing one or more of the uses present on the master label, as is the case with the subject alternate brand name label, must bear labeling appropriate for such uses. Accordingly, the labeling identified below is not appropriate for the Orthene 97 ST alternate brand name label which bears use on only one of the several uses present on the registered basic label; commercially treated cottonseed.

1. Engineering controls for pilots and the prohibition against use of human flaggers.
2. The use of a respirator for applicators using low pressure hand wand application.

Please note that the use of the respirator is to be retained for mixers and loaders.

Sincerely,

A handwritten signature in cursive script that reads "Marilyn A. Mautz".

Marilyn A. Mautz
Biologist
Insecticide-Rodenticide Branch
Registration Division (7504P)



United States
Environmental Protection Agency
Washington, DC 20460

- Registration
- Amendment
- Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 5481-8978	2. EPA Product Manager Marilyn Mautz	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) ORTHENE 97 PELLETS	PM# 14	
5. Name and Address of Applicant (Include Zip Code) Amvac Chemical Corporation 4695 MacArthur Court, Suite 1250 Newport Beach, CA 92660 <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 _____ |
| <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.)

Notification of the Alternate Brand Name of ORTHENE 97 ST for ORTHENE 97 PELLETS.

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to the EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No * Certification must be submitted	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Unit Packaging wt. No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wt. No. per container	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input checked="" 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. 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 type="checkbox"/> Lithographed <input type="checkbox"/> Stenciled <input checked="" type="checkbox"/> Paper glued <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 Kaila Moran	Title Product Manager	Telephone No. (Include Area Code) 949-221-6108
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.		8. Date Application Received (Stamped) <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div>
2. Signature 	3. Title Product Manager	
4. Typed Name Kaila Moran	5. Date 05-Mar-09	

Marilyn



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05 March 2009

Ms. Marilyn Mautz
Document Processing Desk
Office of Pesticide Programs (7508C)
U.S. Environmental Protection Agency
One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

Subject: Notification of Alternate Brand Names for:
ORTHENE 97 PELLETS (EPA Reg. No. 5481-8978)
ORTHENE TURF, TREE & ORNAMENTAL 97 SPRAY (Alternate Brand Name)
ORTHENE 97 ST (Alternate Brand Name) ✓
ORTHENE 97 (Alternate Brand Name)

Dear George:

Please find enclosed the notification of the Alternate Brand Names for ORTHENE 97 PELLETS (EPA Reg. No. 5481-8978).

In support of this notification, please find the following documents enclosed:

- Application for Pesticide Registration (EPA form 8570-1)
- Labeling for the Alternate Brand Name, ORTHENE PCO PELLETS (Ref. No. 8978-20090305r1)

Please feel free to contact me if you have any questions at 1-949-221-6108 or email kailar@amac-chemical.com. Thank you for your attention to this matter.

Best Regards

A handwritten signature in cursive script that reads "Kaila Moran".

Kaila Moran
Product Manager

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NOTIFICATION

MAR 26 2009

ORTHENE® 97 ST

(Soluble Insecticide)

A SYSTEMIC INSECTICIDE FOR COTTON SEED TREATMENT TO HELP REDUCE INJURY TO COTTON SEEDLINGS FROM THRIPS, COTTON APHIDS AND CUTWORMS.

Active Ingredient	By Weight
*Acephate.....	97.4 %
Inert Ingredients.....	2.6 %
Total.....	100.0 %

*O,S-Dimethyl acetylphosphoramidothioate

U.S. Patent. No. 6,013,272

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID	
Acephate is an organophosphate, cholinesterase inhibitor.	
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 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 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 by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.

EMERGENCY INFORMATION

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. FOR THE FOLLOWING EMERGENCIES, PHONE 24 HOURS A DAY:

Transportation: CHEMTREC.....	1-800-424-9300
Other: AMVAC.....	1-323-264-3910

NOTE TO PHYSICIAN

This material contains a cholinesterase inhibitor. Measurement of blood cholinesterase activity may be useful in monitoring exposure but decisions regarding treatment will usually need to be made before test results are available. If signs of cholinesterase inhibition appear, atropine sulfate is antidotal, 2-PAM (PROTOPAM) is also antidotal and may be used in conjunction with atropine but should not be used alone.

SEE SIDE/BACK PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS AND DIRECTIONS FOR USE.

EPA Reg. No. 5481-8978
EPA Est. No.

Net Contents:
As Marked on Container



4100 E. Washington Blvd.
Los Angeles, CA 90023 U.S.A
1-323-264-3910 • www.amvac-chemical.com

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

CAUTION

Harmful if swallowed.

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 A on an EPA chemical-resistance category selection chart.

Mixers, Loaders, Applicators and Other Handlers must wear: Long sleeved shirt and long pants, chemical-resistant gloves such as Butyl rubber ≥ 14 mils, Nitrile rubber ≥ 14 mils and Neoprene ≥ 14 mils and shoes plus socks.

In addition, all Mixers and Loaders and all Applicators using low pressure hand wand application equipment must wear: A NIOSH-approved dust mist filtering respirator with MSHA/NIOSH approved number prefix TC-21C or a NIOSH-approved respirator with any N, R, P or HE filter. See **Engineering Controls** for additional requirements.

Engineering Controls: Pilots must use an enclosed cockpit in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(6)].

The use of human flaggers is prohibited.

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

USER SAFETY RECOMMENDATION

Users 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

This pesticide is toxic to birds. For terrestrial uses, 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 cleaning equipment or disposing of equipment washwaters. Cover or soil-incorporate spills.

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) permitted 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.

This product and its degradate are highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds while bees are actively visiting the treatment area.

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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.

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.

Not for use on agricultural establishments in hopper-box, planter-box, slurry-box or other seed treatment applications at, or immediately before, planting.

TANK MIXES

NOTICE: Tank mixing or use of this product with any other product which is not specifically and expressly authorized by the label shall be the exclusive risk of user, applicator and/or application advisor.

Read and follow the entire label of each product to be used in the tank mix with this product.

COMMERCIALLY TREATED COTTONSEED

GENERAL USE PRECAUTIONS

- When using formulations that do not contain dye, compliance with 21 CFR Chapter 1, Section 2.5 requires that all seed treated with pesticide must be colored to distinguish from, and prevent subsequent inadvertent use as, food for human, or feed for animals.
- Treated seed must not be used for, or mixed with, food or animal feed, or processed for oil. Seed treated with ORTHENE 97 may be considered adulterated under state and federal laws if sold or shipped as food or feedstuffs. Seed commercially treated with ORTHENE 97 must be labeled as follows: "TREATED SEED DO NOT USE FOR FOOD, FEED OR OIL."
- Observe all precautions and limitations on labeling of all products used in mixtures.

COMMERCIALLY TREATED COTTONSEED – Directions for Use

PESTS CONTROLLED	AMOUNT PER 100 LBS. COTTONSEED	EFFICACY	REMARKS
Cotton Aphid Thrips (including Western Flower Thrips)	6.4 oz. (0.4 lb.)	Gives effective reduction of Thrips and cotton Aphid for up to 3 weeks after planting.	ORTHENE 97 contains a water-soluble systemic insecticide which helps to reduce injury to cotton seedlings by several insects. ORTHENE 97 can be mixed in the slurry tank with most of the fungicide seed treatments in common use. ORTHENE 97 can also be applied as a separate treatment using enough water to give adequate coverage of the seed. ORTHENE 97 dissolves quickly in water with a minimum of agitation.
Black (Greasy) Cutworm	6.4 oz. (0.4 lb.)	Gives effective reduction of Black (Greasy) Cutworm from planting through the 3 rd to 4 th leaf stage of development. When planting into fields where large Cutworm are present (5 th instar and larger) economic damage may occur.	

NOTE: This product is sold by weight and package is full when packed, and is inclined to settle.

STORAGE AND DISPOSAL

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

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STORAGE AND DISPOSAL continued

PESTICIDE STORAGE

Keep pesticide in original container.
Do not put concentrate or dilute into food or drink containers.
Store in cool, dry place. Protect from excessive heat.
Do not contaminate food or foodstuffs.
Do not store or transport near feed or food.
For help with any spill, leak, fire or exposure involving this material, call day or night **1-323-264-3910**

PESTICIDE DISPOSAL

Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. Open dumping is prohibited.

CONTAINER DISPOSAL

Completely empty canister into application equipment. Do not reuse container. Dispose of empty canister in a sanitary landfill or by incineration, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

LIMITED WARRANTY AND DISCLAIMER

The manufacturer warrants (a) that this product conforms to the chemical description on the label; (b) that this product is reasonably fit for the purposes set forth in the directions for use, subject to the inherent risks referred to herein, when it is used in accordance with such directions; and (c) that the directions, warnings, and other statements on this label are based upon responsible experts' evaluations of reasonable tests of effectiveness, of toxicity to laboratory animals and to plants and residues on food crops, and upon reports of field experience. Tests have not been made on all varieties of food crops and plants, or in all states or under all conditions.

THERE ARE NO EXPRESS WARRANTIES OTHER THAN THOSE SET FORTH HEREIN. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW THE MANUFACTURER NEITHER MAKES NOR INTENDS, NOR DOES IT AUTHORIZE ANY AGENT OR REPRESENTATIVE, TO MAKE ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, AND IT EXPRESSLY EXCLUDES AND DISCLAIMS ALL IMPLIED WARRANTIES OF MERCHANTABILITY OF FITNESS FOR A PARTICULAR PURPOSE, OR ANY WARRANTY OF QUALITY OR PERFORMANCE. THIS WARRANTY DOES NOT EXTEND TO, AND THE BUYER SHALL BE SOLELY RESPONSIBLE FOR, ANY AND ALL LOSS OR DAMAGE WHICH RESULTS FROM THE USE OF THIS PRODUCT IN ANY MANNER WHICH IS INCONSISTENT WITH THE LABEL DIRECTIONS, WARNINGS OR CAUTIONS.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW BUYER'S EXCLUSIVE REMEDY AND MANUFACTURER'S OR SELLER'S EXCLUSIVE LIABILITY FOR ANY AND ALL CLAIMS, LOSSES, DAMAGES, OR INJURIES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER OR NOT BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE, SHALL BE LIMITED, AT THE MANUFACTURER'S OPTION, TO REPLACEMENT OF, OR THE REPAYMENT OF THE PURCHASE PRICE FOR, THE QUANTITY OF PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW MANUFACTURER OR SELLER SHALL NOT BE LIABLE FOR SPECIAL, INDIRECT OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

AMVAC offers this product, and Buyer accepts it, subject to the foregoing Limited Warranty which may be varied only by agreement in writing signed by an authorized representative of AMVAC.

Orthene is a registered trademark of OMS Investments, Inc.

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1-323-264-3910
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