



9/28/2010

1048

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

SEP 28 2010

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Cheryl Wagner
Agent
Helena Chemical Company
c/o Wagner Regulatory Associates, Inc.
P.O. Box 640
Hockessin, DE 19707

RE: Product Name: Helena Phosphorous Acid Technical Fungicide
EPA Reg. No: 5905-563
Application for Label Notification Dated August 18, 2010 to update the Storage and
Disposal Statement per PR Notice 2007-4

Dear Ms. Wagner:

The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under Pesticide Registration (PR) Notice 98-10 dated above. A preliminary screen of this request has been conducted for its applicability under PR Notice 98-10 and it has been determined that the action(s) requested falls within the scope of PR Notice 98-10. Our records have been duly noted, and the label submitted with this application has been stamped "Notification Accepted" and will be placed accordingly in our records.

If you have any questions concerning this action, please feel free to contact Ms. Menyon Adams at (703) 347-8496 or email at adams.menyon@epa.gov.

Sincerely,

Linda Hollis

Linda Hollis, Chief
Biochemical Pesticides Branch
Biopesticides and Pollution Prevention
Division (7511P)



United States
Environmental Protection Agency
Washington, DC 20460

X

Registration

OPP Identifier Number

Amendment

Other

Application for Pesticide - Section I

1. Company/Product Number 5905-563	2. EPA Product Manager Andrew Bryceland	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Helena Phosphorous Acid Technical Fungicide	PM# 91 BPPD	
5. Name and Address of Applicant (Include Zip Code) Helena Chemical Company c/o Wagner Regulatory Associates, Inc. P.O. Box 640 Hockessin, DE 19707 <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

Notification Accepted

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated Date: SEP 28 2010
<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 Reviewer: M. Adams

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)
Notification of label change per PR Notice 2007-4. This notification is consistent with the provisions of PR Notice 2007-4 and EPA Regulations at 40 CFR 156.10, 154.140, 156.144, 156.146, and 156.156. 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 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:				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"/> No		<input type="checkbox"/> Metal	
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container	<input checked="" type="checkbox"/> Plastic	
				<input type="checkbox"/> Glass	
				<input type="checkbox"/> Paper	
				<input type="checkbox"/> Other (Specify) HDPE lined bags	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 100 kilograms		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		Other _____ adhesive backed label _____			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Cheryl Wagner		Title Agent for Helena Chemical Company		Telephone No. (Include Area Code) (302) 234-8551	
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>Cheryl Wagner</i>		3. Title Agent for Helena Chemical Company			
4. Typed Name Cheryl Wagner		5. Date August 18, 2010			

3 of 8

August 18, 2010



Wagner Regulatory Associates, Inc.
P.O. Box 640
7460 Lancaster Pike, Suite 9
Hockessin, Delaware 19707

Document Processing Desk (NOTIF)
ATTN: Mr. Andrew Bryceland
Biopesticides and Pollution Prevention Division (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, Virginia 22202-4501

Dear Mr. Bryceland:

Re: Helena Phosphorous Acid Technical Fungicide
EPA Registration Number 5905-563
Notice of Revised Storage & Disposal Label Language

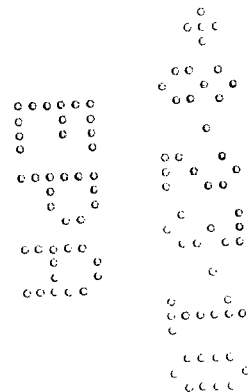
Wagner Regulatory Associates, Inc., on behalf of Helena Chemical Company, hereby notifies the Agency that the storage and disposal section of the subject label as been revised in accordance with PR Notice 2007-4. Enclosed for the Agency's file is:

- Letter from Helena Chemical Company authorizing Wagner Regulatory to serve as Agent
- EPA Notification form (EPA Form 8570-1)
- One copy of revised labeling

Please feel free to contact me at (302) 234-8551 if you have any questions or require additional information.

Respectfully submitted,

Cheryl Wagner
Agent for Helena Chemical Company



4018



HELENA CHEMICAL COMPANY

225 Schilling Blvd., Suite 300
Collierville, Tennessee 38017
Phone: (901) 761-0050

May 3, 2010

US Environmental Protection Agency
Office of Pesticide Programs
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

Re: Designation of Agent for:
Helena Chemical Company (EPA Company no. 5905)
664 Moore Road
Memphis, TN 38120

Dear Sir or Madam:

This letter serves as notification that our company has appointed Wagner Regulatory Associates, Inc. ("WRA") to serve as Agent on our company's behalf regarding US EPA regulatory matters relative to Helena's existing registered products, products pending registration and future registration applications. WRA is based at 7460 Lancaster Pike, Suite 9, Hockessin, Delaware 19707.

Helena requests the EPA to accept registration submissions and inquiries from WRA for Helena products and authorizes the EPA to provide registration correspondence to WRA for Helena products.

Thank you for your time and assistance. Please feel free to call me at if you have any questions. This appointment will remain in effect until such time as it is revoked in writing by Helena.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dave Thomas".

Dave Thomas
Vice President – Marketing

cc: WRA Inc.

cc: WRA Inc.

5098

HELENA PHOSPHOROUS ACID TECHNICAL FUNGICIDE
For Manufacturing Use Only

ACTIVE INGREDIENT	
Phosphorous Acid	99.68%
OTHER INGREDIENTS.....	<u>0.32%</u>
TOTAL	100.00%

KEEP OUT OF REACH OF CHILDREN

DANGER

See Back Panel for Additional Precautionary Statements
And Statement of Practical Treatment

EPA Reg. No. 5905-563

EPA Est. No.

Net Contents: 100 Kilograms

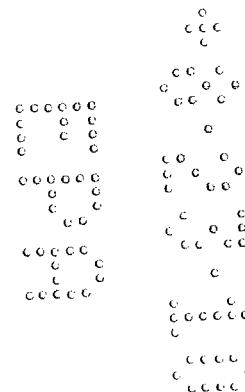
Manufactured for:

Helena Chemical Company
225 Schilling Boulevard, Suite 300
Collierville, Tennessee 38017

Notification Accepted

Date: SEP 28 2010

Reviewer: M. Adams



6088

Precautionary Statements

Hazards to Humans and Domestic Animals

Danger

Corrosive. Causes irreversible eye damage. Causes skin burns. Harmful if swallowed, absorbed through skin or inhaled. Do not get in eyes or on clothing. Avoid contact with skin, eyes, and clothing. Avoid breathing vapor. Wear protective eyewear (goggles or faceshield), protective clothing (long-sleeved shirt, long pants, socks, and chemical-resistant shoes) and waterproof gloves. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

Environmental Hazards

This pesticide is toxic to wildlife. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, 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 into sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional office of the U.S. EPA.

FIRST AID

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 eye. Call a poison control center or doctor for treatment advice.

IF ON SKIN OR CLOTHING: 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.

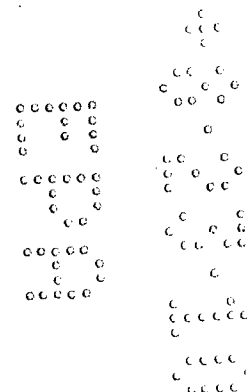
IF SWALLOWED: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

IF ON 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 treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-424-9300 for medical emergencies involving this product.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with it labeling. For use only in formulating agricultural fungicide products for terrestrial food crops. It is the responsibility of the formulators using this product to register all formulations made from it with the EPA as fungicides.



7028

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in unopened containers in a cool, dry place. Do not store with, or close to, oxidizers and bases.

Pesticide Disposal: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide 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 hazardous waste representative at the nearest EPA Regional Office for guidance.

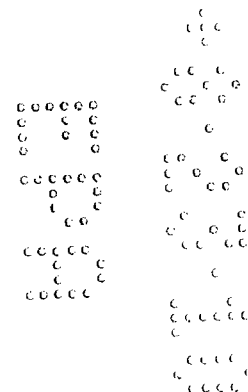
CONTAINER DISPOSAL:

Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container $\frac{1}{4}$ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Offer for recycling, if available, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

REFILLABLE CONTAINER: Refill this container with pesticide only. Do not reuse this container for any other purpose. Prior to refilling, inspect thoroughly for damage such as cracks, punctures, abrasions, and damaged or worn out threads on closure devices. Do not refill or transport damaged or leaking containers. Check for leaks after refilling and before transportation. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. If the container is not being refilled, return to the point of purchase or designated location.

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WARRANTY

CONDITIONS OF SALE - LIMITED WARRANTY AND LIMITATIONS OF LIABILITY AND REMEDIES

Read the Conditions of Sale - Warranty and Limitations of Liability and Remedies before using this product. If the terms are not acceptable, return the product, unopened, and the full purchase price will be refunded.

The directions on this label are believed to be reliable and should be followed carefully. Insufficient control of pests and/or injury to the crop to which the product is applied may result from the occurrence of extraordinary or unusual weather conditions or the failure to follow the label directions or good application practices, all of which are beyond the control of Helena Chemical Company (the "Company") or seller. In addition, failure to follow label directions may cause injury to crops, animals, man or the environment. The Company warrants that this product conforms to the chemical description on the label and is reasonably fit for the purpose referred to in the directions for use subject to the factors noted above which are beyond the control of the Company. The Company makes no other warranties or representations of any kind, express or implied, concerning the product, including no implied warranty of merchantability or fitness for any particular purpose, and no such warranty shall be implied by law.

The exclusive remedy against the Company for any cause of action relating to the handling or use of this product shall be limited to, at Helena Chemical Company's election, one of the following:

1. Refund of the purchase price paid by buyer or user for product bought, or
2. Replacement of the product used

To the extent allowed by law, the Company shall not be liable and any and all claims against the Company are waived for special, indirect, incidental, or consequential damages or expense of any nature, including, but not limited to, loss of profits or income. The Company and the seller offer this product and the buyer and user accept it, subject to the foregoing conditions of sale and limitation of warranty, liability and remedies.

