

7946-14

7-11-2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

JUL 11 2008

Mr. Frederick T. Smith
SciReg. Inc.
12733 Director's Loop
Woodbridge, VA 22192

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request General Label Change
EPA Reg. No. 7946-14
Application Dated June 4, 2008

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 06/04/08 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

SciReg, Inc.
Science and Regulatory Consultants

June 4, 2008

Ms. Sherada Hobgood
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Dr.
Arlington, VA 22202-4501

Re: Fungisol (Reg. No. 7946-14)
Deletion and addition of text

Dear Ms. Hobgood:

On behalf of J.J. Mauget Co., SciReg, Inc. is submitting six copies of a revised draft label for Fungisol (Reg. No. 7946-14). One copy of the label is highlighted to show the changes, which consist only of the following:

Additions:

- Restrictions, page 3: Added, "Fungisol is not registered in California for pesticide use."
- Page 3: Added, "APPLICATION, USE and DISEASE" heading.

Deletion:

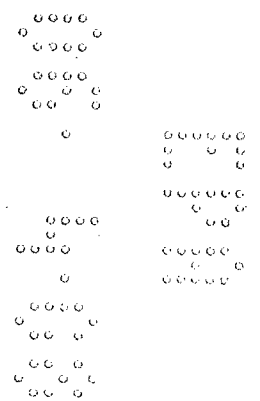
- Header box, page 1: Reference to insects has been deleted. This product is a fungicide and the text was inadvertently included on the subject label.

Should you have any questions, please contact me.

Sincerely,



Frederick T. Smith
Senior Regulatory Specialist



Enclosures



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 7946-14	2. EPA Product Manager M. Waller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Fungisol	PM# 21	
5. Name and Address of Applicant (Include ZIP Code) J.J. Mauget Co. 5435 Peck Rd. Arcadia, CA 91006 <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: NOTIFICATION EPA Reg. No. _____ Product Name JUL 11 2008	

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.)

To remove inadvertently included text and to include minor text additions.

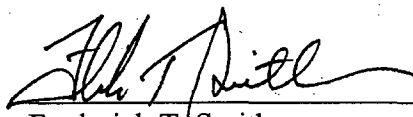
Section - III

1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. Per Container
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		If "Yes" Package wgt.	No. Per Container
3. Location of Net Contents Information		4. Size(s) Retail Container	5. Location of Label Directions <input type="checkbox"/> On label. <input type="checkbox"/> On label accompanying product.
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____	

Section - IV

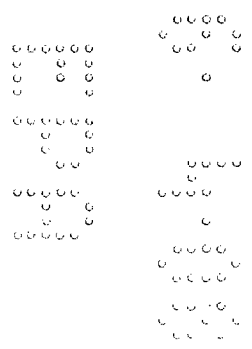
1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Frederick T. Smith	Title Senior Regulatory Specialist	Telephone No. (Include Area Code) 703/494-6500
Certification I certify that the statements which I 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 	3. Title Agent (SciReg, Inc.)	
4. Typed Name Frederick T. Smith	5. Date 6/4/08	

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 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.



Frederick T. Smith
Senior Regulatory Specialist
SciReg, Inc.*

*SciReg, Inc. is the authorized agent for J.J. Mauget Co.



Mauget FUNGISOL®

SYSTEMIC FUNGICIDE
IN READY TO USE CAPSULES
FOR TREE INJECTION USE FOR SEASONAL SUPPRESSION OF
CERTAIN DISEASES OF ORNAMENTAL TREES

MFG. BY: J.J. MAUGET CO.
TOWN, STATE: Arcadia, CA 91006
EPA ESTABLISHMENT NO: 7946-CA-1
EPA REGISTRATION NO: 7946-14

ACTIVE INGREDIENTS:

Debacarb
[2-(2-ethoxyethoxy) ethyl-2-benzimidazole carbamate]..... 1.7%
Carbendazim
(Methyl 2-benzimidazole carbamate)..... 0.3%

OTHER INGREDIENTS:..... 98.0%
Total 100.0%

Net Contents:

- _____ 288 capsules @ 0.14 fl. oz. (4 mL) each, 39 fl. oz. (1153 mL) net;
288 feeder tubes
- _____ 288 capsules @ 0.2 fl. oz. (6 mL) each, 58.4 fl. oz. (1728 mL) net;
288 feeder tubes
- _____ 24 capsules plus 24 feeder tubes per carton
- _____ 24 capsules @ 0.14 fl. oz. (4 mL) each, 3.25 fl. oz. (96 mL) net or
- _____ 24 capsules @ 0.2 fl. oz. (6 mL) each, 4.9 fl. oz. (144 mL) net
- _____ Shipping box: 12 cartons as above.

KEEP OUT OF REACH OF CHILDREN

CAUTION

	FIRST AID
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.
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 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 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.

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-535-5053 for emergency treatment information.

NOTE TO PHYSICIAN

There is no specific antidote available. Treat patient symptomatically.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed or absorbed through the skin. Avoid contact with skin, eyes, or clothing. Causes eye irritation. Avoid breathing vapors. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

PERSONAL PROTECTIVE EQUIPMENT:

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category C on an EPA chemical resistance category selection chart.

APPLICATORS AND OTHER HANDLERS MUST WEAR:

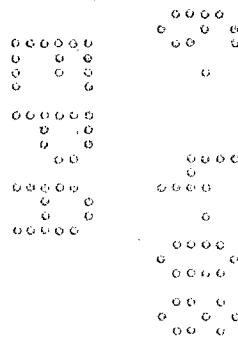
- Long-sleeved shirt and long pants
- Shoes plus socks
- Chemical resistant gloves, such as polyethylene or butyl rubber or neoprene rubber or viton
- Protective eyewear

ENVIRONMENTAL HAZARDS

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 disposing of equipment washwaters or rinsate.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.



NOTICE OF WARRANTY

J.J. Mauget Co. makes no warranty of merchantability, fitness for any purpose or otherwise expressed or implied concerning this product or its uses which extends beyond the use of the product under normal conditions in accord with the statements made on this label.

NOTIFICATION

JUL 1 1 2008

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 requirement 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 the Worker Protection Standard, 40 CFR 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries and greenhouses, and the handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE). The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

1. The MAUGET SYSTEM

- (A) Mauget compressible capsule with insert hole
- (B) Feeder tube with flanged gun-sight and opposite tapered beveled end

2. TOOLS

- (A) Portable electric drill
- (B) 11/64 in. (0.4 cm) drill bit
- (C) Plastic mallet
- (D) Tape measure
- (E) Insertion tool (optional)

3. NUMBER OF CAPSULES

Measure the tree at chest height in inches. If measuring the circumference, divide this number by six (6) to determine the number of capsules needed. If measuring the diameter, divide this number by 2 (two) to determine the number of capsules needed. If the number of capsules results in a fraction, round down to the lower whole number.

The following dosage, per capsule, is generally recommended. Depending on tree diameter, use the following dosage, per capsule:

- 4 mL - 2 to 10 inches dbh (Diameter at Breast Height)
- 6 mL - 10 inches dbh and above (Diameter at Breast Height)

Trees in advanced stages of insect infestation and/or disease development, may not respond to treatment. The health, species of the tree and the environmental conditions will determine the rate of uptake.

4. PRESSURIZING THE CAPSULES

Apply the appropriate amount of pressure on the top of the capsule in order to compress.

5. DRILLING THE TREE HOLE

Predrill spaced injection sites at a slight downward angle at the root flair/buttress area (approximately 6.0 to 8.0 in., 15 to 20 cm) above ground level, using a clean 11/64 in. (0.4 cm) drill bit (except monocotyledons, conifers, etc.). Drill to a depth of 3/8 to 1/2 in. (0.95 to 1.3 cm) into healthy xylem tissue under the bark. For mini-micro feeder tube, see Step 10. Disinfect drill bit, insertion tool (if used) as well as mini-micro insertion tool prior to use on each tree.

6. TREE HOLE DEPTH

It is important that the feeder tube be set to the proper depth in the conductive xylem tissue. If set too deeply, flow is restricted by blockage in the heartwood; if set too shallow, leakage may occur. The feeder tube dispensing end is beveled to allow for a 1/4 in. plus tolerance.

7. COMBINING CAPSULE AND FEEDER TUBE

Several methods of combining the capsule with the feeder tube are acceptable including placing by hand, the feeder tube's flange end, with the flange notch upward, into the capsule insert hole of a compressed upright capsule. Push the flange end of the feeder tube flush with the membrane located at the inner end of the insert hole.

8. PLACING THE FEEDER TUBE IN THE TREE

Firmly seat the beveled, dispensing end of the feeder tube, with the attached upright capsule, into the predrilled tree injection hole. Tap the rear side, opposite the insert hole of the capsule with a mallet. This action will simultaneously seat the feeder tube in the injection hole while breaking the capsule membrane for releasing the capsule contents into the feeder tube and into the tree. Another method is to place the feeder tube in the predrilled hole of the tree using the optional insertion tool. Then place the compressed capsule onto the feeder tube in place.

9. REMOVAL

Uptake in the tree usually occurs within several minutes. Capsules may be temporarily rotated in place to see if any liquid is left. When empty, turn the capsules upside down for one minute before removal. Applicators must remove micro-injectors promptly after treatment. Empty capsules must not be left on the tree. The health and species of the tree, and local environmental conditions will determine the rate of uptake. If the capsule does not completely empty within a few hours, invert and carefully remove the capsule and enclose it in a heavy duty plastic bag for disposal in accordance with state and local regulations.

10. MINI-MICRO FEEDER TUBE

For established trees with thin bark (less than 3/8 in. thickness), use a 7/64 in. drill bit to produce a micro-injection site for a mini-micro feeder tube. Use of the Mini-Micro Insertion tool is recommended.

GENERAL DIRECTIONS

Important: Preventative application is more effective than therapeutic treatment in trees showing disease symptoms. Trees in advanced stages of disease development may not respond to treatment. Infected trees will absorb the material more slowly due to the vascular plugging caused by the disease. If Fungisol is not absorbed within 24 hours, the tree is considered high risk and has a poor chance of survival.

RESTRICTIONS

Do not inject trees that are less than two inches in diameter. This product is not to be used on trees which will produce food within the year following treatment.

Fungisol is not registered in California for pesticide use.

APPLICATION, USE and DISEASE

Make applications when disease first appears. Repeat treatment if disease symptoms progress. Do not repeat within 3 months of first application. Some diseases may require repeated yearly application. Preventative Dutch Elm Disease treatments are made 4 weeks after Bark Beetle emerges. Therapeutic treatments are made as soon as possible after flagging branch is observed.

USE	DISEASE
Alder	Ceratocystis Canker, Fusarium Wilt, Physalospora (Bleeding Canker)
Arborvitae	Kabatina Branch Canker
Ash	Anthrachnose (Fall application only)
Bay Tree	Fusarium Wilt, Nectria Canker
Birch	Melanconium Dieback
Buckthorn	Nectria (Tubercularie) Canker
Camphor	Verticillium Wilt
Carob	Verticillium Wilt
Catalpa	Verticillium Wilt
Cedar	Coryneum Blight, Diplodia Tip Blight, Phomopsis, Kabatina
Cypress	Cedar Branch Canker
Douglas Fir	Phomopsis Canker
Elm	Cephalosporium ulmi (Elm Wilt), Ceratocystis ulmi (Dutch Elm Disease), Cytospora Canker, Fusarium Wilt, Vermicularia Dieback, Verticillium Wilt
Fir	Cytospora Canker
Gum (Sweet)	Ceratocystis Canker
Madrone	Thielaviopsis Decline, Fusarium Wilt
Magnolia	Ceratocystis Canker
Maple	Verticillium Wilt
Mimosa	Fusarium pernicosium (Mimosa Wilt)
Mulberry (Fruitless)	Ceratocystis Canker
Oak	Oak Wilt (Ceratocystis fagacearum), Anthracnose, Nectria Canker, Oak Decline (Botryodiplodia, Cephalosporium, Dothiorella, Fusarium, Pestalotia, Phialophora, Verticicladiella, Verticillium)
Olive	Fusarium Wilt, Verticillium Wilt
Palm	Penicillium vermoeseni (Pink Bud Rot), Atropellis Canker, Ceratocystis Dieback
Pine	Fusarium moniliforme, F. subglutinans (Pine Pitch Canker), Leptographium Canker
Pistachio (Non-Crop)	Verticillium Wilt
Poplar	Cytospora Canker
Redwood	Botryosphaeria Branch Canker (Coast and Sierra), Coryneum Canker
Spruce	Cytospora Canker
Sycamore	Anthrachnose (Spring application only), Ceratocystis Canker
Walnut (Black Non-Crop)	Melanconium Dieback
Willow	Cytospora Canker

PESTICIDE STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a cool place over 45° F with units in an upright position.

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

CONTAINER DISPOSAL: Dispose of empty capsules in sanitary landfill or by incineration if approved by State and Local authorities.