



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

JUN - 7 2010

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Dr. J. Michael Kelley
Authorized Rep. for BASF
toXcel
Toxicology & Regulatory Affairs
7140 Heritage Village Plaza
Gainesville, VA 20156

SUBJECT: Fenpropimorph MUP
EPA Registration Number: 7969-203
Application Date: April 27, 2010
Receipt Date: April 27, 2010

Dear Dr. Kelley:

The following amendment, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is acceptable subject to the conditions listed below:

Proposed Amendment

- Update Storage and Disposal statements per PR Notice 2007-4
- Update Precautionary Statements

Conditions

Revise the label as follows:

1. Revise the first sentence in the Ingredients box to read, "For use in the formulation of wood preservatives"

The most recently approved label currently reads "For use in the formulation of wood protectants against fungal decay." This statement is unacceptable because the statement intermixes use patterns with levels of product performance or efficacy rather than defining a clear use pattern. The label for a manufacturing use product (MUP) should list the use-cites claimed on the pesticide products formulated with it as an active ingredient. MUPs must also have a statement under the "Directions for Use" such as "Only for formulation into [type of pesticide]; followed by a continued statement of uses for which the end use product could be registered (see condition #2).

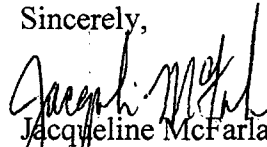
2. Revise the second paragraph in the Directions for Use box to read, "Only for formulation into wood preservatives. Wood treated with Fenpropimorph containing preservatives must not be used in marine/estuarine habits."
3. In the ingredients section, revise the words "Inert Ingredients" to "Other Ingredients".

General Comments

A stamped copy of the labeling accepted with conditions is enclosed. Submit three (3) copies of your final printed labeling before distributing or selling the product bearing the revised labeling.

Should you have any questions or comments concerning this letter, please contact please contact Heather Garvie at (703) 308-0034 or by email at garvie.heather@epa.gov.

Sincerely,



Jacqueline McFarlane
Product Manager (34)
Regulatory Management Branch II
Antimicrobials Division (7510P)

Enclosure: Stamped accepted label

FENPROPIMORPH - Manufacturing Use Product

For Use in the formulation of wood protectants against fungal decay

ACTIVE INGREDIENTS (% w/w):	
Fenpropimorph:	96.0
(RS)-Cis-4-[3-(4-tert.-butylphenyl)2-methylpropyl]-2,6-dimethylmorpholine	
INERT INGREDIENTS (% w/w): 4.0	
TOTAL (% w/w): 100.0	

KEEP OUT OF REACH OF CHILDREN
DANGER
CORROSIVE TO SKIN

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, and then continue rinsing. 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 Poison Control Center or doctor for further treatment advice.
If swallowed	<ul style="list-style-type: none"> Call a Poison Control Center or a doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told 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, and then give artificial respiration preferably mouth-to-mouth if possible. Call a Poison Control Center or doctor for further treatment advice.

GENERAL GUIDANCE

In case of chemical emergency, call CHEMTREC at 1-800-XXXX. Have the product container or label with you when calling a Poison Control Center or doctor or going for treatment.

NOTE TO PHYSICIAN

Product mucosal damage may contraindicate the use of gastric lavage.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER

CORROSIVE: Causes skin burns and substantial but temporary eye injury. Harmful if absorbed through skin, inhaled or swallowed. Do not get in eyes, on skin, or on clothing. Avoid breathing vapour or spray mist. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove contaminated clothing and wash clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT:

Applicators and other handlers must wear:

- Long sleeved shirt and long pants,
- Socks and shoes
- Chemical resistant gloves (such as Barrier Laminate, or any of the following gloves at 14 mils thickness: butyl nitrile, neoprene rubber, polyvinyl chloride, or Viton)
- Goggles or face shield.
- Follow manufacturer's instructions for cleaning / maintaining PPE. If no such instructions exist for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS:

Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Users should remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. User should remove personal protective equipment immediately after handling this product. Wash outside of gloves before removing. As soon as possible wash thoroughly.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. Do not apply directly to any body of water or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not discharge effluents containing this product into lakes, streams, ponds, estuaries, oceans, or public water unless this product is specifically identified and addressed in an NPDES permit. Do not discharge effluent containing this product to sewer systems without previously notifying the sewage treatment authority. For guidance contact your state Water Board or Regional Office of the U. S. Environmental Protection Agency.

ACCEPTED
with COMMENTS
in EPA Letter Dated:

JUN - 7 2010

Under the Federal Insecticide, Fungicide, and Rodenticide Act as amended, for the pesticide, registered under EPA Reg. No.

EPA REG. NO. 7969-203
EPA EST. NO. 7969-WG-001

USA Fenpropimorph 100426

7969-203

DIRECTIONS FOR USE

FOR INDUSTRIAL USE ONLY

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

For use in formulating wood protectant end use products only. Wood treated with Fenpropimorph containing preservatives shall not be used in marine/estuarine habitats.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store this product in a dry, cool place below 105 degrees Fahrenheit. Keep container tightly sealed when not in use. Do not reuse empty container. Keep this product and its vapors away from desirable plants, seeds, fertilizers, insecticides and other agricultural chemicals, as plant injury or loss may result from contamination.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. 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 Hazardous Waste representative at the nearest EPA regional office for guidance.

CONTAINER HANDLING: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. 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 or more times. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

NOTICE OF WARRANTY AND DISCLAIMER

BASF Corp. warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for purposes stated on such label only when used in accordance with the directions under normal use conditions. It is impossible to eliminate all risks inherently associated with the use of this product. Ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of BASF Corp.. In no case shall BASF Corp. be liable for consequential, special or indirect damages resulting from the use or handling of this product. All such risks shall be assumed by the Buyer. BASF CORP. MAKES NO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

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