

8033-22

5-14-2003

1-7

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 05-31-98



EPA

United States  
Environmental Protection Agency  
Washington, DC 20460

- Registration
- Amendment
- Other:

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 8033-22 (previously 264-607)	2. EPA Product Manager J. Hebert / A. Abramovich	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Chipco brand TRISTAR 70 WSP Insecticide	PME Team 4	
5. Name and Address of Applicant (include ZIP Code) Nippon Soda Co., Ltd. c/o Nisso America Inc. 220 East 42 <sup>nd</sup> Street, Suite 3002 New York, NY 10017 <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

NOTIFICATION NOTIFICATION  
MAY 14 2003

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)

Notification to update and clarify labeling pertaining to package size and shape as per PR 98-10 following the EPA-approved transfer of the registration of EPA Reg. No. 264-607 from Bayer CropScience to Nippon Soda Co., Ltd.

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.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
	If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container		<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
*Certification must be submitted				<input type="checkbox"/> Other (Specify)	
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On labeling 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 John J. Wrubel	Title Regulatory Affairs Director	Telephone No. (include Area Code) 212-490-0351
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 	3. Title Regulatory Affairs Director	
4. Typed Name John J. Wrubel	5. Date April 28, 2003	

2-7

TRISTAR 70 WSP  
Notification April 28, 2003

CHIPCO® brand

# TriStar™ 70 WSP

## Acetamiprid Insecticide

### For Commercial Use Only

ACTIVE INGREDIENT: Acetamiprid..... 70% by wt.  
INERT INGREDIENTS:..... 30% by wt.

EPA Reg. No. 264-XXX607

EPA Est. No. 67545-AZ-01

### KEEP OUT OF REACH OF CHILDREN CAUTION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a listed en detalle.  
(If you do not understand the label find someone to explain it to you in detail.)

For MEDICAL And TRANSPORTATION Emergencies ONLY Call 24 Hours A Day 1-800-334-7577  
For PRODUCT USE Information Call 1-888-AVENTIS (1-888-283-6847)

### FIRST AID

IF SWALLOWED:	<ul style="list-style-type: none"> <li>• Immediately call a poison control center or doctor for treatment advice.</li> <li>• Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
IF IN EYES:	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present after the first 5 minutes, then continue rinsing.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
IF ON SKIN OR CLOTHING:	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
IF INHALED:	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>

For MEDICAL Emergencies Call 24 Hours A Day 1-800-334-7577.  
Have the product container or label with you when calling a poison control center or doctor or going for treatment.

NOTE TO PHYSICIAN: There is no specific antidote. All treatment should be based on observed signs and symptoms of distress in the patient. Overexposure to materials other than this product may have occurred.

### PRECAUTIONARY STATEMENTS

#### CAUTION

#### HAZARDS TO HUMANS (& DOMESTIC ANIMALS)

Harmful if inhaled or absorbed through the skin. Avoid breathing vapors or spray mist. Avoid contact with eyes, skin or clothing. Keep out of reach of children and domestic animals.

#### PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear long-sleeved shirt and long pants, waterproof gloves, shoes plus socks and chemical resistant headgear for overhead exposure.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturers instructions for cleaning/maintaining PPE. If there are no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

NOTIFICATION

MAY 14 2003

### **User Safety Recommendations**

Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Remove clothing 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 product is toxic to wildlife. This product is toxic to bees exposed to direct treatment. Do not apply this product while bees are actively visiting the treated area. Do not contaminate surface or ground water by cleaning equipment or disposal of wastes, including equipment washwater.

**SPRAY DRIFT MANAGEMENT:** The interaction of many equipment factors determines the potential for spray drift. The applicator is responsible for considering all of these factors when making application decisions. Avoiding spray drift is the responsibility of the applicator.

**IMPORTANCE OF DROPLET SIZE FOR OUTDOOR USE:** An important factor influencing drift is droplet size. Small droplets (< 150 to 200 microns) drift to a greater extent than large droplets. Within typical equipment specifications, applications should be made to deliver the largest droplet spectrum that provides sufficient control and coverage. Formation of very small droplets may be minimized by appropriate nozzle selection, by orienting nozzles away from the air stream as much as possible and by avoiding excessive spray boom pressure.

Spray should be released at the lowest possible height consistent with good pest control.

### **DIRECTIONS FOR USE**

It is a violation of Federal law to use this product in any manner inconsistent with its labeling.  
Read entire label before using this product.

Ornamental use only; not for woodlands or forest management.

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.

### **AGRICULTURAL USE REQUIREMENTS**

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and 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) and restricted-entry intervals. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 24 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is coveralls, waterproof gloves and shoes plus socks.

## STORAGE AND DISPOSAL

### STORAGE

Do not store in or around the home. Store unused product in a cool, ventilated, dry, locked area. Do not allow prolonged storage in areas where temperatures frequently exceed 115° F (46° C) NEVER TRANSFER THIS PRODUCT TO ANOTHER CONTAINER FOR STORAGE.

### PESTICIDE DISPOSAL

Do not contaminate water, food or feed by storage or disposal. Contamination with this product will render water, food or feed unfit for human or animal consumption. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

### CONTAINER DISPOSAL

Do not reuse outer bag. Dispose of outer bag in a sanitary landfill or by incineration, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

## COMPATIBILITY

CHIPCO® brand TriStar™ 70 WSP Acetamiprid Insecticide, when diluted with an equal volume of water, is physically compatible with a wide range of commonly used spray products, but the full range of compatibilities under local conditions is not known. Therefore, it is essential that before using CHIPCO® brand TriStar™ 70 WSP Acetamiprid Insecticide in any tank mixture the compatibility of the mixture be established. Add a small amount of this product to an equal volume of water in a small container and then add the other pesticide or spray product and mix thoroughly. DO NOT USE MIXTURES THAT CURDLE, PRECIPITATE, OR GREASE. FOR BEST RESULTS, SPRAY MIXTURES SHOULD BE USED IMMEDIATELY AFTER MIXING WITH ADEQUATE AGITATION.

**GENERAL HANDLING INSTRUCTIONS:** Each CHIPCO® brand TriStar™ 70 WSP Acetamiprid Insecticide water soluble bag packets comes sealed in a clear plastic protective outer bag sleeve. Do not break the seal on the outer bag until the time of use. To use, open the end of the outer sleeve by tearing along the printed solid black line. Do not use a knife or other sharp object to break the seal. Once the outer protective bag sleeve is open, the water soluble packets bag inside can be dropped into the spray tank at the appropriate time without touching it. Reseal outer bag to protect remaining packets.

### HANDLING PRECAUTIONS

- Do not allow the empty outer bag sleeve or the tear strip to fall into the spray tank as it is they are not water soluble and may clog the sprayer.
- Do not handle the inner packets bag with wet gloves as they the bag will begin to dissolve on contact with even a small amount of water.
- Do not open the inner packets bags or attempt to remove the product from them. The water soluble packet is not designed to be re-measured or subdivided.
- The inner packets bag should not be opened and partial packets bag not used for a tankmix.
- The entire contents of the inner (water soluble) packet bag must be used.

### SPECIFIC USE DIRECTIONS NOT FOR HOMEOWNER USE

FOR USE ON ORNAMENTAL AND FLOWERING PLANTS GROWN OUTDOORS AND IN GREENHOUSES, SHADEHOUSES AND LATHHOUSES: bedding plants, flowers grown for cuttings, foliage plants, potted flowering plants, ornamental trees, and non-bearing fruit and nut trees (Non-bearing crops are perennial crops that will not produce a harvestable raw agricultural commodity during the season of application). Do not apply to bearing fruit trees and vegetables.

For control of ornamental pests, apply broadcast spray to obtain thorough and uniform spray coverage of the plants. Choose a finished spray volume appropriate for the size of the plants and amount of foliage which will provide thorough coverage throughout the canopy. For optimum control, allow at least 6 hours before overhead irrigation of foliage. Do not allow public use of treated area during application.

Mix CHIPCO® brand TriStar™ 70 WSP Acetamiprid Insecticide with sufficient water and apply as a foliar spray to obtain thorough and uniform spray coverage of the plants. Choose a finished spray volume appropriate for the size of the plants and amount of foliage, which will provide thorough coverage throughout the canopy. Apply as soon as insects reach treatment thresholds. See resistance management section if multiple sprays are needed.

CHIPCO® brand TriStar™ 70 WSP Acetamiprid Insecticide mixes quickly in water. This product has been found to be compatible with many commonly used surfactants, miticides and insecticides. Check physical compatibility using the correct proportion of products when combining products without prior history of use.

**Note:** Since ornamental varieties are numerous and constantly changing and may react differently at various sites, test the product and any tank mixes on a small scale before making large-scale applications if there is not local experience.

PESTS	RATE WATER SOLUBLE PACKS/100 GALLONS*	COMMENTS
Aphids European pine sawfly	1	Apply as a full coverage foliar spray.
Tentiform leaf miner Mealybug, leafhopper	2	Tank mixing with a surfactant may improve the control of mealybugs. When mixing with surfactants, treat a small area first to make sure the surfactant does not cause phytotoxicity.
Whiteflies	2-4**	Tank mixing with a surfactant or a pyrethroid may improve control of adult whiteflies.
Citrus thrips	3-6**	When mixing with surfactant treat a small area first to make sure the surfactant does not cause phytotoxicity.

\*Product can be applied with the water volume needed to provide thorough coverage.

\*\*Use the higher rate when insect pressure is high.

#### USE RESTRICTIONS AND PRECAUTIONS

- Do not make more than 5 applications per year.
- Do not reapply more than once every 7 days. To determine if application is necessary, monitor pest densities. Consult local extension experts for thresholds.
- Do not apply more than 22 water soluble packs/A (0.55 lb ai/A) per year.
- Do not apply to bearing fruit trees or vegetables.

#### RESISTANCE MANAGEMENT

Some insects are known to develop resistance to insecticides after repeated use. As with any insecticide, the use of this product should conform to resistance management strategies established for the use area. Avoid treating these insects with consecutive applications of insecticides within the same class of chemistry. Resistance to other chloronicotinyls/neonicotinyls, such as Merit® and Marathon® may result in resistance to CHIPCO® brand TriStar™ 70 WSP Acetamiprid Insecticide. Therefore, to minimize the potential for chloronicotinyl resistance, rotate with other classes of insecticides. Consult your agricultural advisor for resistance management strategies and recommended pest management practiced for your area.

**ENDANGERED SPECIES NOTICE:** Under the Endangered Species Act, it is a Federal Offense to use any pesticide in a manner that results in the death of a member of an endangered species.

Consult your local county bulletin, County Extension Agent, or Pesticide State Lead Agency for information concerning endangered species in your area.

**IMPORTANT: READ BEFORE USE**

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once. By using this product user or buyer accepts the following Conditions, Disclaimer of Warranties and Limitations of Liability.

**CONDITIONS:** The directions for use of this product are believed to be adequate and should be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, 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 Aventis CropScience. All such risks shall be assumed by the user or buyer.

**DISCLAIMER OF WARRANTIES:** AVENTIS CROPSCIENCE MAKES NO OTHER WARRANTIES EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Aventis CropScience is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. AVENTIS CROPSCIENCE DISCLAIMS ANY LIABILITY WHATSOEVER FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

**LIMITATIONS OF LIABILITY:** THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT AVENTIS CROPSCIENCE'S ELECTION, THE REPLACEMENT OF THE PRODUCT.

**NET CONTENTS:** ~~12 x 16 gram WSB (.564 ounce)~~ 12 x 0.564 oz. (16 gram) packets

**Aventis CropScience USA LP  
P.O. Box 12014, 2 T.W. Alexander Drive  
Research Triangle Park, North Carolina 27706**

CHIPCO is a registered trademark of the Aventis Group.

TriStar is a trademark of the Nippon Soda Co., Ltd. ~~the Aventis Group.~~

MERIT and MARATHON are registered trademarks of Bayer.

~~CHIPCO\* brand TriStar™ 70 WSP Acetamiprid Insecticide (PENDING) Submitted 9/28/99. Resubmitted 10/20/00.  
Accepted 3/15/02.~~



**NISSO AMERICA INC.**  
220 EAST 42ND STREET, SUITE 3002  
NEW YORK, NY 10017

PHONE: (212) 490-0350

FAX: (212) 972-9361

April 28, 2003

Document Processing Desk [NOTIF]  
Office of Pesticide Programs (7504C)  
U.S. Environmental Protection Agency  
1921 Jefferson Davis Highway, CM-2)  
Arlington, VA 22202

Re: Notification of Updating and Clarifying Label Language Associated with Packaging of TRISTAR™ 70 WSP Insecticide (EPA Reg. No. 8033-22, previously 264-607) as per PR Notice 98-10.

Dear Sir/Madam:

On December 5, 2002 the US EPA approved the transfer of the registration of EPA Reg. No. 264-607, TRISTAR 70 WSP Insecticide, from Bayer CropScience (previously Aventis CropScience) to Nippon Soda Co., Ltd. (Nisso). The new registration number is EPA Reg. No. 8033-22. The Agency's transfer approval letters state that Nisso can market the product with the old Aventis label for up to 18 months following the date of approval of the transfer. Please see enclosed Exhibit 1 for a copy of the EPA approval letters.

Nisso requested and was granted EPA approval to market the TRISTAR product this season using the Aventis label; however, we noted that the General Handling Instructions and Handling Precautions on the stamp-approved label refers to an alternate package size. Therefore Nippon Soda Co., Ltd. in care of Nisso America Inc. is hereby submitting via the notification process updated labels with revised language that is appropriate for the package size of the marketed product. We have also updated the trademark language. Nippon Soda Co., Ltd. certifies that no other changes to the labels have been made.

I am enclosing a completed notification form (EPA Form 8570-1), a copy of the proposed label with changes clearly marked and a copy of the current label for comparison purposes.

Thank you for processing this notification and should you have any questions please contact me directly at your earliest convenience via telephone at 212-490-0351 or e-mail at [j.wrubel@nissoamerica.com](mailto:j.wrubel@nissoamerica.com).

Sincerely,

John J. Wrubel  
Regulatory Affairs Director

encls.

EPA Rec'd &  
4/29/03