

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

March 28, 2005

Mr. John J. Wrubel
Regulatory Affairs Director
NIPPON SODA CO, LTD.
NISSO America Inc.
45 Broadway, Suite 2120
New York, NY 10006

Dear Mr. Wrubel:

Subject: Labeling for TRISTAR 70 WSP Insecticide (Acetamiprid)
Addition of New Pests with Corresponding Directions
EPA Reg. No. 8033-22
Your Submission Dated February 10, 2005

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable provided you make the following change before you release the product for shipment bearing the amended labeling:

- Revise the precautionary statement under "Hazards to Humans (& Domestic Animals)" from "Harmful if inhaled or absorbed through the skin." to "Harmful if swallowed or absorbed through skin." Alternatively, you may select to use the more protective statement "Harmful if swallowed, absorbed through skin, or inhaled."

This letter and stamped label supercedes the letter and stamped label dated March 25, 2005. Please submit two copies of your final printed labeling before you release the product for shipment. A stamped copy is enclosed for your records. If you have any questions, please contact Ann Hanger at (703) 306-0395 or hanger.ann@epa.gov.

Regards,

A handwritten signature in cursive script that reads "Ann Hanger".

Ann Hanger
Product Manager Team 7
Insecticide/Rodenticide Branch
Registration Division (7505C)

Enclosure

MAR 28 2005

EPA Reg. No. 8033-22
DRAFT NOTIFICATION February 10, 2005

TriStar[®] 70 WSP Insecticide

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registration number No.
8033-22

For Commercial Use Only

ACTIVE INGREDIENT: Acetamiprid	70% by wt.
INERT INGREDIENTS:	30% by wt.
EPA Reg. No. 8033-22	EPA Est. No.

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 1-800-424-9300
For PRODUCT USE Information Call 1-212-490-0350

FIRST AID

IF SWALLOWED:	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor for treatment advice. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Have person sip a glass of water if able to swallow. • 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. • 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 mouth-to-mouth if possible. • Call a poison control center or doctor for further treatment advice.
<p>For MEDICAL Emergencies Call 24 Hours A Day 1-800-424-9300. Have the product container or label with you when calling a poison control center or doctor or going for treatment.</p>	
<p>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.</p>	

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.

386

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 12 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.

4 2 6

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or 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

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

TriStar 70 WSP 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 TriStar 70 WSP 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: TriStar 70 WSP Insecticide water soluble packets come sealed in a protective outer bag. Do not break the seal on the outer bag until the time of use. Do not use a knife or other sharp object to break the seal. Once the outer protective bag is open, the water soluble packets inside can be dropped into the spray tank at the appropriate time. Reseal outer bag to protect remaining packets.

HANDLING PRECAUTIONS

- Do not allow the empty outer bag to fall into the spray tank as it is not water soluble and may clog the sprayer.
- Do not handle the inner packets with wet gloves as they will begin to dissolve on contact with even a small amount of water.
- Do not open the inner packets or attempt to remove the product from them. The water soluble packet is not designed to be re-measured or subdivided.
- The inner packets should not be opened and partial packets not used for a tankmix.
- The entire contents of the inner (water soluble) packet 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 TriStar 70 WSP 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.

TriStar 70 WSP 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 tankmixes on a small scale before making large-scale applications if there is not local experience.

PESTS	RATE WATER SOLUBLE PACKS/100 GALLONS*	COMMENTS
Aphids, such as Green Peach, Wooly, Melon, and Cotton aphid European pine sawfly Psyllids**	1	Apply as a full coverage foliar spray with a non-ionic spreader-sticker adjuvant. When mixing with surfactant treat a small area first to make sure the surfactant does not cause phytotoxicity.
Tentiform leaf miner Mealybugs, such as Citrus, Obscure, Longtail, Pink Hibiscus, and Maderia mealybugs Leafhoppers, such as Glassy Wing Sharpshooter and Potato Leaf Hopper	2	Tank mixing with a surfactant may improve the control of mealybugs. Tank mixing with a surfactant or a pyrethroid may improve control of adult whiteflies. When mixing with surfactants, treat a small area first to make sure the surfactant does not cause phytotoxicity.
Caterpillars**, such as Gypsy Moth, Tobacco Bud Worm, Fall Army Worm, Southern Army Worm, Cabbage Looper, and Diamondback Moth Hard and Soft Scales**, such as Caribbean Black Scale, Pine Needle Scale, Green Shield Scale, San Jose Scale, Oyster Shell Scale, Tea Scale, Fletcher Scale, Florida Wax and Indian Wax Scales, Cottony Maple Scale, Euonymus Scale and Asian Cycad Scale Plant bugs**, Adelgids** Whiteflies, such as Greenhouse, Sweet Potato, Silverleaf, Banded, and Giant	2-4***	
Swede Midge**	2-4***	Apply as a preventative spray to control the first generations if Swede Midge has been found in your area. Preventative applications will decrease the chance of quick population increases later in the season.
Fungus gnat larvae**, Crane fly larvae**	2-4***	Apply as a directed spray to thoroughly wet the upper 1/2 to 1 inch of soil media.
Citrus thrips Other thrips**, such as Cotton, Palm, and Western Flower thrips Leaf Eating Beetles** (adults), such as Japanese Beetle, European Chafer and Oriental Beetle**, Strawberry Weevils**	3-6***	Tank mixing with a surfactant will improve control. When mixing with surfactant treat a small area first to make sure the surfactant does not cause phytotoxicity.
Leaf miners**, such as Chrysanthemum and Citrus Leaf Miner	5-6***	Rotate or tank mix with Avid®, Conserve™, Pedestal™, Distance®, Enstar®, or Talus®. Tank mixing with a surfactant may improve control. 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.

**Not for use on this pest in California.

***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.

676

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 neonicotinoids, such as Merit and Marathon may result in resistance to TriStar 70 WSP Insecticide. Therefore, to minimize the potential for neonicotinoid resistance, rotate with other classes of insecticides. Consult your agricultural advisor for resistance management strategies and recommended pest management practices 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 Nippon Soda Co., Ltd. All such risks shall be assumed by the user or buyer.

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NET CONTENTS:

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