

8033-95

09/12/2007

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

SEP 12 2007

COPY

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

John J. Wrubel
Regulatory Affairs Director
Nisso America Inc.
45 Broadway, suite 2120
New York, NY 10006

Subject: Label Amendment: Add treatment for potato seed pieces based on existing tolerances for potato Acetamiprid 50 FS Insecticide Seed Treatment
EPA Reg. No. 8033-95
Submission dated December 20, 2006

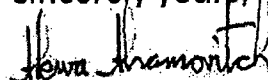
Dear Mr. Wrubel:

The addition of potato seed treatment to the product label is acceptable with the following conditions and comments:

- 1) A prohibition must be placed on all the labels for the foliar applications to potatoes (presently EPA Reg. No. 8033-23 and 8033-36) to prevent additional applications of acetamiprid containing products to potatoes grown from acetamiprid treated seeds. This prohibition must be placed on all the labels of with applications to potatoes within 3 months from the date of this letter or at the next printing of the labels, whichever comes first. Additionally this product cannot be used for potato seed treatment until the prohibition of additional applications to potatoes grown from acetamiprid treated seeds is placed on all the acetamiprid containing products with potato applications which are currently registered for potatoes (EPA Reg. No 8033-23 and 8033-36) and stamp approved by the Agency.
- 2) Add under the Ingredient statement the number of pounds/gallon-pounds of active ingredient /gallon.
- 3) Add to the Warranty Statement "To the extent allowed by applicable laws" before "Nipponmakes no otherwarranty".
- 4) You must provide storage stability (830.6317) and corrosion characteristics 830.6320) data within 3 months from the date of this letter as specified in the Registration Notice of this product.

Releasement of this product for shipment with this revised label constitutes agreements with these terms. Please submit two copies of the final printed label for our records. A stamped copy "Accepted with Comments" of the label is enclosed for your records. If you have any questions please call me at (703) 308-8328.

Sincerely yours,



Akiva Abramovitch, Ph.D.

Chemist

Insecticide-Rodenticide Branch
Registration Division (7505P)

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Assail 50 FS Insecticide Seed Treatment
EPA Reg. No. 8033-95
DRAFT 12/20/06

GROUP 4A INSECTICIDE



ASSAIL[®] 50 FS Insecticide Seed Treatment

ACTIVE INGREDIENT: Acetamiprid..... 40% by wt.
INERT INGREDIENTS: 60% by wt.

EPA Reg. No. 8033-95

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 usted 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 CHEMTREC: 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 treatment advice.
For MEDICAL Emergencies Call CHEMTREC: 1-800-424-9300	
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.	

ACCEPTED with COMMENTS
In EPA Letter Dated:
3EP 12 2007
Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No. 8033-95

Net Contents: _____

Nippon Soda Co., Ltd.
2-1, 2-Chome Ohtemachi
Chiyoda-ku, Tokyo 100-8165
Japan

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PRECAUTIONARY STATEMENTS

CAUTION

HAZARDS TO HUMANS (and DOMESTIC ANIMALS)

Harmful if swallowed, inhaled, or absorbed through the skin. Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Avoid breathing vapor or spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Keep out of reach of children and domestic animals.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear a long sleeved shirt plus long pants, chemical resistant gloves, and shoes plus socks. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's 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.

ENVIRONMENTAL HAZARDS

Do not apply this product or seed treated with this product 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 washwater or rinsate. Do not contaminate water used for irrigation or domestic purposes. Exposed treated seed may be hazardous to birds and other wildlife. Dispose of all excess treated seed and seed packaging by burial away from bodies of water.

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.**

Only protected handlers may be in the area during application of the product to the seed. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

COMPATIBILITY

It is recommended that compatibility be verified by mixing all premix components (premeasured at or near planned application rates) into a small jar prior to mixing larger quantities in commercial applicator equipment. After shaking or mixing, the contents should be homogeneous and there should be no signs of agglomeration, separation, or other obvious indication of incompatibility.

RESISTANCE MANAGEMENT

Certain insects may develop resistance to insecticides after repeated use within the same growing season, especially at higher rates. If insect pressures are excessive and a foliar spray is necessary for adequate protection of the emerging canola, mustard, or potato crop, avoid the use of foliar insecticides with the same mode of action as ASSAIL 50 FS Insecticide Seed Treatment. ASSAIL 50 FS Insecticide Seed Treatment contains the active ingredient acetamiprid which is a member of the neonicotinoid class of insecticides and is in mode of action Group 4A. The use of ASSAIL 50 FS Insecticide Seed Treatment should conform to resistance management strategies established for the use area. Consult your agricultural advisor, University contact or Extension Service for recommended pest management practices for your area.

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APPLICATION INSTRUCTIONS

ASSAIL 50 FS Insecticide Seed Treatment

Canola and Mustard

Pests Controlled	Rate; fluid ounces / 100 lbs seed	Rate; lbs. a.i. / 100 lbs seed
Flea beetles	7.7* – 15.4**	0.25* – 0.50**
	* for early season control of flea beetles ** for extended protection from flea beetles	
METHOD OF APPLICATION:		
<p>Note: The purchaser of this product is responsible for ensuring that all seed treated with this product is adequately dyed with a suitable color to prevent its accidental use as food for man or feed for animals. Refer to 21 CFR, part 2.25. Any dye added to the treated seed must be cleared for use under 40 CFR.</p> <p>Seed should be well conditioned and free of chaff before treating with ASSAIL 50 FS Insecticide Seed Treatment. Treated seed should not require drying after treatment and can be stored or bagged immediately. Add ASSAIL 50 FS Insecticide Seed Treatment to seed slowly in a calibrated treating equipment system to ensure proper rates. Thorough seed coverage is required.</p>		
USE RESTRICTIONS AND PRECAUTIONS for CANOLA and MUSTARD:		
<ul style="list-style-type: none"> • For use only in commercial seed treatment facilities and all treated seeds must be dyed (see method of application). • Do not use in hopper box, planter box, slurry box or other seed treatment equipment applications at, or immediately before, planting. • Only spring planted canola and mustard seed can be treated. Do not treat fall planted seed. • Do not store ASSAIL 50 FS Insecticide Seed Treatment near feed or foodstuffs. • Do not contaminate feed or foodstuffs. • Do not contaminate domestic or irrigation waters. • Do not graze crop from treated seed. • Do not plant more than 6.0 pounds of treated seed per acre. 		
Canola and Mustard SEED LABELING:		
<p>Treated seed must be labeled in accordance with the requirements of the Federal Seed Act. Bags containing treated seeds must be labeled with the following information:</p> <p>This seed has been treated with ASSAIL 50 FS Insecticide Seed Treatment. Do not use for food, feed, or oil purposes. Store away from foods and feeds. Exposed treated seeds may be hazardous to birds and other wildlife. Dispose of all excess seed by burial away from bodies of water. Thoroughly clean auger after handling treated seed before using same auger for handling commercial or feed grains. Leftover treated seed should not be stored where there is a chance of it becoming mixed with untreated seed. Store treated seed in cool, dry conditions. Unused or leftover treated seed which is intended to be stored and used in the following season should have the germination and seedling vigor confirmed prior to planting.</p>		

Potato (seed piece treatment)

Pests Controlled	Rate fluid ounces / 100 lbs seed	Rate fluid ounces / Acre**
Aphids Colorado potato beetle Flea beetles Leafhoppers Potato psyllid Wireworms (seed piece protection)	0.2 - 0.3*	4.0 - 6.0
*Use the higher rate for heavy pest pressure situations or extended period of control		**Based on a rate of 2000 lbs potato seed/Acre.
<p>Application Apply ASSAIL 50 FS Insecticide Seed Treatment in a dilute spray onto seed pieces using a spray system equipped with shields. Dilute in a 3:1 ratio (or less) of water to ASSAIL 50 FS Insecticide Seed Treatment. Maintain agitation of the solution during spraying. Fungicides or absorbent inert dusts may be applied following application of ASSAIL 50 FS Insecticide Seed Treatment. Only apply in areas with adequate ventilation or in areas designed to remove airborne particles or mists.</p> <p>USE RESTRICTIONS AND PRECAUTIONS for POTATO SEED PIECE TREATMENT:</p> <ul style="list-style-type: none"> • Do not make any subsequent application of ASSAIL 70 WP Insecticide or ASSAIL 30 SG Insecticide following an ASSAIL 50 FS Insecticide Seed Treatment. • Do not use more than 9.0 fluid ounces per Acre (0.3 lb AI/Acre) per crop season. • Do not use treated seed pieces for food, feed, or fodder. • Do not contaminate food or feedstuffs. • Do not store ASSAIL 50 FS Potato Seed Piece Insecticide near feed or foodstuffs. • Do not contaminate domestic or irrigation waters. 		

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

NEVER REUSE EMPTY CONTAINERS. Completely empty container into application equipment.

DISPOSAL FOR NON-RETURNABLE CONTAINERS: After use, rinse the emptied container and then dispose of empty container in a sanitary landfill or by incineration, or if allowed by state and local authorities, by burning. If container is burned, stay out of smoke.

DISPOSAL FOR RETURNABLE-REFILLABLE CONTAINERS: After use, return container to the point of purchase or designated locations. This container must only be refilled with ASSAIL 50 FS Insecticide Seed Treatment. Do not reuse 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. Check for leaks after refilling and before transportation. Do not refill or transport damaged or leaking containers. If the container is not being refilled, return to the point of purchase.

DISPOSAL FOR RETURNABLE CONTAINERS: After use, return container to the point of purchase or designated locations. Do not reuse container for any other purpose.

WARRANTY AND DISCLAIMER

Nippon Soda Co., Ltd. warrants that this material conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions for Use, subject to the risks referred to therein. NIPPON SODA CO., LTD. MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. IN NO CASE SHALL NIPPON SODA CO., LTD. OR SELLER BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT INCLUDING, BUT NOT LIMITED TO, LOSS OF PROFITS, BUSINESS REPUTATION, OR CUSTOMERS; LABOR COST, OR OTHER EXPENSES INCURRED IN PLANTING OR HARVESTING.

Nippon Soda Co., Ltd. and seller offer this product and the buyer and user accept it subject to the foregoing conditions of sale and warranty which may be varied only by agreement in writing signed by a duly authorized representative of Nippon Soda.

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