

2935-501

1/31/2013

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Ms. Anne Downs
Wilbur Ellis Company
P.O. Box 1286
Fresno, CA 93715

JAN 31 2013

Subject: Label Notification(s) for Pesticide Registration Notice 98-10

Dear Ms. Downs:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated January 11, 2013 for the following product(s):

Sporax

Reg. No. 2935-501

The Registration Division (RD) has conducted a review of this request for applicability under PR Notice 98-10 and finds that the label change(s) requested falls within the scope of PRN 98-10. The label has been date-stamped "Notification" and will be placed in our records.

We note that this is the new primary name of this product.

If you have any questions, please contact Linda A. DeLuise at 703-305-5428.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard J. Gebken".

A handwritten flourish or mark, possibly a stylized letter or symbol, located to the left of the typed name.

Richard J. Gebken
Product Manager
Insecticide Branch
Registration Division (7504P)



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 2935-501	2. EPA Product Manager Mark Suarez	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Wilbur-Ellis Sporax	PM# 13	
5. Name and Address of Applicant (Include ZIP Code) Wilbur-Ellis Company 2903 S. Cedar Avenue Fresno, CA 93725 <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 NOTIFICATION to: EPA Reg. No. <u>JAN 31 2013</u> 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.

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

Notification of change of Primary Brand Name to Sporax as required by provisions in PR Notice 2007-4 and allowed per PR Notice 98-10. 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 CSF 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 type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
		If "Yes" Package wgt.	No. per container	<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 Anne Downs	Title Senior Registration Specialist	Telephone No. (Include Area Code) 916.991.9816
Certification 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 Senior Registration Specialist	
4. Typed Name Anne Downs	5. Date January 11, 2013	

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WILBUR-ELLIS®

January 11, 2013

Mr. Mark Suarez
Product Manager 13
Insecticide Branch - Registration Division (7504P)
Office of Pesticide Programs
Document Processing Desk (NOTIF)
One Potomac Yard, Room S-4900
2777 S. Crystal Drive
Arlington, VA 22202-4501

RE: Wilbur-Ellis Sporax, EPA Reg. No. 2935-501. **Notification of Change of Primary Brand Name from Wilbur-Ellis Sporax to Sporax**

Dear Mr. Suarez:

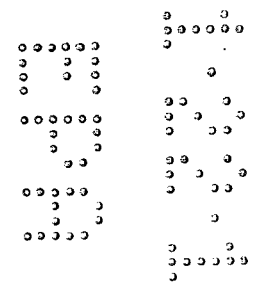
As allowed for in PR Notice 98-10, Wilbur-Ellis Company requests that the Primary Brand Name for Wilbur-Ellis Sporax, EPA Reg. No. 2935-501, be changed to Sporax. Please find enclosed the following items in support of this request:

- Application for Pesticide Amendment, EPA Form 8570-1 (NOTIFICATION)
- 1 copy of the final printed label for the **new Primary Brand Name product called Sporax** (internal identifier, F Code 020711)

If you have any questions, please contact me directly at 916.991.9816. Thank you.

Sincerely,

Anne Downs
Senior Registration Specialist



Ideas to Grow With



SPORAX

A BORAX FUNGICIDE FOR CONTROL OF ANNOSUS ROOT DISEASE

ACTIVE INGREDIENT

SODIUM TETRABORATE DECAHYDRATE
(Na₂B₄O₇·10H₂O).....

Boric Oxide (B₂O₃) equivalent..... 37.50%

100.00%

37.50%

JAN 31 2013

EPA Reg. No. 2935-501

EPA Est. No. 2935-CA-01

KEEP OUT OF REACH OF CHILDREN DANGER/PELIGRO

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.)

FIRST AID

- | | |
|-------------------------|---|
| If in eyes: | <ul style="list-style-type: none"> Hold eyelids open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after 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 the poison control center or doctor. |
| If on skin or clothing: | <ul style="list-style-type: none"> Remove contaminated clothing and wash skin with soap and water. Rinse skin with plenty of water for 15-20 minutes. Call 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 ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. Call poison control center or doctor for further treatment advice. |

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

You may also contact: (800) 424-9300 CHEMTREC (transportation & spills); (800) 900-4044 Poison Control Center (human health); (800) 345-4735 ASPCA (animal health)

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DIRECTIONS FOR USE (cont.)

One pound of Wilbur-Ellis Sporax may also be mixed with enough water to adequately spray 50 square feet of stump surfaces; that is, 250 six-inch stumps, 158 eight-inch stumps, 80 ten-inch stumps, or 60 twelve-inch stumps. Spray applicators are available in most farm and garden shops.

When dry method is used, moisture in the exposed wood from freshly cut stumps, dew or rain, will dissolve the product and leach it into the wood.

USE FOR CONTROL OF ANNOSUS ROOT DISEASE IN CONIFER STANDS: It has been established that the fungus, *Heterobasidion annosum*, often infects cut conifer stumps following thinning or cutting operations, and that the disease can spread from infected stumps to residual trees in the stand.

Several chemical agents have been used to limit the development of annosus root disease. Research has shown that Borax prevents establishment and growth of annosus in cut stumps of conifer tree species not already infected.

Before using the WILBUR-ELLIS SPORAX for stump treatment control of annosus infection, contact Local, State or Federal Forestry or plant pathology specialists to verify the most economical and efficient methods and materials for your situation.

Use of WILBUR-ELLIS SPORAX for this purpose includes all conifer tree species occurring in the stand being treated. WILBUR-ELLIS SPORAX should be applied to stump surface of the cut tree as soon after felling as practical. For most efficient use, apply immediately after cutting, but avoid delaying treatment more than one day.

The best method of application is to sprinkle the material "salt-shaker" style on the freshly cut stump surface. Complete coverage, including exposed side areas and any splinters, is necessary. Also level rather than sloping stump surfaces are preferred, especially in areas of high rainfall. "Shaker-top" applicators are available in most farm and garden shops in one or two pound sizes.

DANGER

Corrosive. Causes irreversible eye damage. Harmful if swallowed. Do not get in eyes or on clothing. Wear goggles or face shield. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse. Do not leave container where children or animals may gain access.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear: Long-sleeved shirt and long pants, shoes, socks, protective eyewear and waterproof gloves.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

Follow the manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

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. Borax carelessly spilled or applied to cropland or growing plants - including trees or shrubs - may kill or seriously retard plant growth.

USER SAFETY RECOMMENDATIONS

Users should:

- Wash thoroughly with soap and water after handling.
- 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.

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 requirements specific to your State or Tribe consult the State or Tribal 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 statement on this label about personal protective equipment (PPE) and restricted-entry interval. 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 48 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
- Chemical-resistant gloves made of any waterproof material
- Shoes plus socks and
- Protective eyewear

Apply enough Wilbur-Ellis Sporax to lightly cover entire stump surface. At proper rates of application, one pound of this product will adequately cover 50 square feet of stump surfaces; that is, 260 six-inch stumps, 158 eight-inch stumps, 80 ten-inch stumps, or 60 twelve-inch stumps.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container only and keep sealed. Store in a dry and closed storage area. Use caution when moving, opening, closing, or pouring.

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

CONTAINER DISPOSAL: Nonrefillable Container: Do not reuse or refill this container. Completely empty bag into application equipment. Offer for recycling, if available; otherwise dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Conditions of Sale and Limitation of Warranty and Liability:

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using the product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

ALL STATEMENTS MADE HEREIN ARE SUBJECT TO APPLICABLE LAW, AND TO THE EXTENT THERE IS AN INCONSISTENCY OR CONTENTION, APPLICABLE LAW SHALL GOVERN.

The Directions for Use of the product must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of many different factors including, without limitation, manner of use or application, weather, combination with other products, or crop conditions. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold Manufacturer and Seller harmless from any claims relating to such factors.

Seller warrants that this product conforms to the chemical description on the label. EXCEPT FOR THIS WARRANTY, THE PRODUCT IS FURNISHED "AS-IS," AND NEITHER SELLER NOR MANUFACTURER MAKES ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE SELECTION, PURCHASE OR USE OF THIS PRODUCT; SELLER AND MANUFACTURER SPECIFICALLY DISCLAIM ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEYOND WHAT IS STATED ON THE LABEL. Buyer and User accept all risks arising from any use of this product, including without limitation, uses contrary to label instructions, or under conditions not reasonably foreseeable to (or beyond the control of) Seller or Manufacturer.

Neither Manufacturer nor Seller shall be liable for any incidental, consequential or special damages resulting from the use or handling of this product. THE EXCLUSIVE REMEDY OF THE BUYER OR USER, AND THE EXCLUSIVE LIABILITY OF MANUFACTURER AND SELLER, FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THIS PRODUCT, OR, AT THE ELECTION OF MANUFACTURER OR SELLER, THE REPLACEMENT OF THE PRODUCT.

These Conditions of Sale and Limitation of Warranty and Liability shall be interpreted, unless otherwise required by the law of the state of purchase, in accordance with the laws of the State of California, excluding its conflicts of laws rules, and may not be amended by any oral or written agreement.

WILBUR-ELLIS Logo® is a registered trademark of WILBUR-ELLIS COMPANY.

F-020711 • K-092211



WILBUR-ELLIS®

Manufactured by: WILBUR-ELLIS COMPANY
PO BOX 16458 • FRESNO, CA 93755

IN CASE OF EMERGENCY, CALL CHEMTREC: (800) 424-9300

NET CONTENTS: 25 POUNDS / 11.34 kg