

10163-276

1/13/2010

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Julia Butcher
Senior Registration Specialist
Gowan Company
P.O. Box 5560
Yuma, AZ 85366-5569

JAN 13 2010

Subject: Rubigan Technical
EPA Registration Number 10163-276
Your Amendment dated November 10, 2009-New use on hops
Decision Number 425496

Dear Ms. Butcher:

The amended label referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act as amended is acceptable provided the following conditions are met:

Label Revision:

1. On page 1, "Environmental Hazards" statement, add the following paragraphs after the last sentence within the section. "Fenarimol has properties and characteristics associated with chemicals detected in ground water. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in ground water contamination.

This product may contaminate surface water due to runoff of rain water. This is especially true for poorly draining soils and soils with shallow ground water.

This product is classified as having high potential for runoff for several months or more after application. A level, well-maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams, and springs will reduce the potential for contamination of water from runoff of rain water. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours."

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2. On page 1, "First Aid" statement of practical treatment for "If swallowed" revise the second bullet to read, "Have a person sip a glass of water if able to swallow."
3. On page 2, "Storage and Disposal" heading, under the "Pesticide Disposal" section, remove the first sentence "Do not contaminate water, food or feed by storage or disposal" and place it prior to the "Pesticide Storage" heading.

Data Requirements:

4. Submit a 28-day subchronic inhalation study (OPPTS Guideline Number 870.3465) by January 2011.
5. Submit an Immunotoxicity study (OPPTS Guideline Number 870.7800) by June 2011.
6. Submit storage stability data for livestock commodities (OPP Guideline Reference Number 171-4) by June 2012 to support the storage intervals used in the livestock feeding studies.
7. The standard for fenarimol at the National Pesticide Standards Repository has expired. Submit a new 5 gram sample of analytical reference to the Analytical Chemistry Branch (ACB), which is located at Fort Meade, to the attention of Theresa Cole at the following address:

USEPA
National Pesticide Standards Repository/Analytical Chemistry Branch
701 Mapes Road
Fort George G. Meade, Maryland 20755-5350
(Please note that the mail will be returned if the extended zip code is not used)

One copy of the label stamped "Accepted with comments" is enclosed for your records. Please submit one copy of the final printed label that incorporates the required changes before the product is released for shipment. If you have any questions, please contact Tamue L. Gibson by phone at (703) 305-9096 or via email at gibson.tamue@epa.gov.

Sincerely,



Mary L. Waller
Product Manager 21
Fungicide Branch
Registration Division (7505P)

Enclosure

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Rubigan® Technical

ACTIVE INGREDIENT	% By Wt.
Fenarimol: a-(2-chlorophenyl)-a-(4-chlorophenyl)-5-pyrimidinemethanol	98.8%
OTHER INGREDIENTS	1.2%
	TOTAL 100.0%

KEEP OUT OF REACH OF CHILDREN WARNING

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 swallowed	<ul style="list-style-type: none"> • Call 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. • Do not give anything by mouth to an unconscious person.
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 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 eye. • 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 by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-888-478-0798 for emergency medical treatment information.	

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS WARNING - AVISO

Causes substantial but temporary eye injury. Harmful if swallowed, inhaled or absorbed through the skin. Avoid breathing dust. Do not get in eyes or on clothing. Wear goggles, face shield, or safety glasses and protective clothing such as coveralls, a long-sleeved shirt, and pants. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

ENVIRONMENTAL HAZARDS

This product is toxic to fish. Do not discharge effluent containing this product directly into lakes, streams, ponds, estuaries, oceans, or other water unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA.

DIRECTIONS FOR USE

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

For Manufacturing Use Only:

This product may be used only for formulation into a fungicide for use on: apples, cherries, grapes, pears, pecans, hops and hazelnut; turf on golf course greens, tees and fairways and turf in professional athletic stadia; field, landscape or container grown ornamentals. Formulators should develop their own use and precautionary labeling, based on the properties and intended uses of their own finished formulations, and are responsible for obtaining EPA registration of these products.

NET CONTENTS: _____ POUNDS

EPA Reg. No. 10163-276
EPA Est. No. 35063-SW-1



Produced For:
Gowan Company
P.O. Box 5569
Yuma, Arizona 85366-5569

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STORAGE AND DISPOSAL

Pesticide Storage: Store in a cool, dry, secure place. Store in original container. In case of leak or spill, contain material and dispose as waste.

Pesticide Disposal: Do not contaminate water, food or feed by storage or 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 liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into manufacturing equipment. Then offer for recycling if available or puncture and dispose of in a sanitary landfill or by incineration, or by other procedures allowed by state and local authorities.

FOR 24-HOUR EMERGENCY ASSISTANCE (SPILL, LEAK OR FIRE), CALL CHEMTREC® (800) 424-9300.

For other product information, contact GOWAN COMPANY or see Material Safety Data Sheet.

NOTICE OF CONDITIONS OF SALE AND WARRANTY AND LIABILITY LIMITATIONS

Important: Read the entire Directions for Use and Notice of Conditions of Sale and Warranty and Liability Limitations before using this product. If terms are not acceptable return the unopened container for a full refund.

Our directions for use for this product are based on tests believed to be reliable. However, it is impossible to eliminate all risk associated with the use of this product. Crop injury, inadequate performance, or other unintended consequences may result due to soil or weather conditions, off target movement, presence of other materials, method of use or application, and other factors, all of which are beyond the control of Gowan Company. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer and User.

Gowan Company warrants that this product conforms to the specifications on the label when used in strict conformance with Direction for Use, subject to the above stated risk limitations. GOWAN COMPANY MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

TO THE FULLEST EXTENT PERMITTED BY LAW, GOWAN COMPANY'S EXCLUSIVE LIABILITY FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, OR ANY OTHER LEGAL THEORY IS STRICTLY LIMITED TO THE PURCHASE PRICE PAID OR REPLACEMENT OF PRODUCT, AT GOWAN COMPANY'S SOLE DISCRETION.

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Rubigan® is a registered trademark of Gowan Company, L.L.C.

Rubigan Technical Pending: EPA Text (to EPA 11-10-09)

**ACCEPTED
with COMMENTS
In EPA Letter Dated**

JAN 13 2010

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

10163-276