

11656-96

12-19-2007

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Dr. Matthew Brooks
Director, Ag-Chem Consulting LLC
Pesticide Science and Registration
12208 Quinque Lane
Clifton, VA 20124

December 19, 2007

Dear Dr. Brooks:

Subject: First Choice Gavicide Super 90 Narrow Range 440 Spray Oil
EPA Registration No. 11656-96
Amendment to revise the CSF and add crops and revise use directions on the label
Submission Date: September 17, 2007

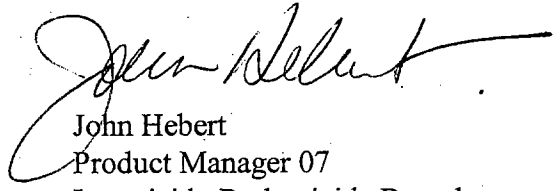
The Agency has reviewed your submission for the revised Confidential Statement of Formula dated September 17, 2007 for the alternate formulation. It has been determined that the CFS agrees with the label claim and is in compliance with PR Notice 91-2 and is acceptable. The CFS has been added to your file as part of the record.

The label amendment request 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 changes:

- 1- Delete the word "General" from the title "General Directions" as there are mandatory requirements beneath the title.
- 2- Delete the word "Recommendations" from the title "Crop Recommendations" and replace with a title such as "Crop Application Rates" since there are mandatory statements below title.
- 3- Delete the word "should" from the sub-title "Dormant Sprays" under "Use Restrictions" and replace it with the word "must".
- 4- Add the phrase "To the extent consisted with applicable law" before the first sentence under the title "Warranty Limitations and Disclaimer".

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 regarding this letter, please contact Amer Al-Mudallal at (703) 605-0566.

Sincerely,



John Hebert
Product Manager 07
Insecticide-Rodenticide Branch
Registration Division (7505P)

ACCEPTED
with COMMENTS
In EPA Letter Dated:



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DEC 19 2007

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No. 11656-96

GAVICIDE® SUPER 90

440 SPRAY OIL - NARROW RANGE
FOR FRUIT, VINE & NUT CROPS

READ ENTIRE CONTAINER LABEL BEFORE USING THIS PRODUCT

ACTIVE INGREDIENT:	By Wt
Mineral Oil	99.0%
INERT INGREDIENTS	1.0%
TOTAL:	100.0%
Unulfonated Residue:	
(ASTM D-483).....	Min. 98.0%
Petroleum Oil Classification:	
Unclassified	
EPA Reg. No. 11656-96 EPA Est. No	

KEEP OUT OF REACH OF CHILDREN
CAUTION
SEE ADDITIONAL PRECAUTIONARY STATEMENTS ON THE LEFT PANEL

FIRST AID	
If swallowed	Call a poison control center or doctor immediately for treatment advice. Do not give any liquid to a person. Do not induce vomiting unless told to by the poison control center or doctor. Do not give anything by mouth to an unconscious person.
If in eyes	Hold eyes open and rinse slowly and gently with water for 16-20 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	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	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.

NOTE TO PHYSICIAN: Petroleum distillate poses aspiration pneumonia hazard. Only minor irritation should be expected from any type of exposure other than pulmonary aspiration. Ingestion may result in some gastroenteritis and mild diarrhea. Since systemic toxicity is not expected, the added risk of aspiration from attempts to induce vomiting or lavage is deemed not warranted.
NOTE TO PHYSICIAN: EMERGENCY INFORMATION - Call your local Poison Control Center at 1.800.222.1222.

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION: Do not get on skin, eyes, or clothing. Harmful if swallowed or inhaled. Avoid breathing spray mist.

STORAGE AND DISPOSAL
Do not contaminate water, food or feed by storage or disposal.
STORAGE: Store only in original container in locked storage areas. If a spill occurs, visible puddles or drops should be covered with a dry absorbent such as clay, sawdust, lime or soda ash. Sweep up and dispose of in a permitted disposal facility. Avoid cross-contamination with other pesticides and fertilizers during handling and storage. Do not store near heat or open flame. Protect from temperatures below 0 degrees F. Not for use or storage in or around the home.
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: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities. Do not reuse container.
In case of spill or accident, call CHEMTREC (800) 424-9300 day or night for assistance.

PERSONAL PROTECTIVE EQUIPMENT
Some materials that are chemical resistant to this product are listed below. If you want more options, follow the instructions for category E on an EPA chemical resistance category selection chart.
Applicators and other handlers must wear:

- Long sleeved shirt and long pants
- Shoes plus socks
- Chemical-resistant gloves (such as barrier laminate nitrile rubber, neoprene rubber, or viton).

Follow 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.
When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240 (d) (4-6)), the handler PPE requirements may be reduced or modified as specified in the WPS.

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 outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

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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 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 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 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:

- o Coveralls
- o Waterproof gloves
- o Shoes plus socks

GENERAL DIRECTIONS

FIRST CHOICE GAVICIDE SUPER 90 is a straight-cut, narrow boiling range petroleum oil designed specifically for use as a foliar or dormant/delayed dormant application on fruit, vine and nut crops. When using this product in combination with other pesticides, observe appropriate cautions and limitations for the products involved. FIRST CHOICE GAVICIDE SUPER 90 is intended for use by the commercial grower or commercial applicator in conventional hydraulic sprayers, concentrate application equipment, ground applicators or aerial. The rates are recommended on a per acre basis with the exception of Hops, Ornamentals and Shade Trees where rates are expressed per 100 gallons of water.

DILUTION: Fill spray tank with 1/2 the required amount of water. Start agitator. Add total amount of spray oil. Continue to agitate while adding balance of water and while spraying to keep oil and water mixed. DO NOT USE THIS MATERIAL IF IT DOES NOT EMULSIFY.

Ground applications: Dilute recommended dosage in 50-2,000 gallons of water per acre as directed below. Optimum spray gallonage per acre is based upon tree size, planting density and stage of growth.

Aerial applications: Aerial applications are recommended only when weather conditions do not allow ground applications. Dilute FIRST CHOICE GAVICIDE SUPER 90 at the rate of 15-30 gallons per acre in sufficient water for thorough coverage (consult with local Extension Service or agricultural chemical authority for dilution and/or combinations with currently registered pesticides). Use lower rate on susceptible varieties or young trees. In case of conflicting directions, refer to the specific crop instructions.

COMPATIBILITY: FIRST CHOICE GAVICIDE SUPER 90 may be tank mixed with insecticides or fungicides. To assure the compatibility of tank mixtures, mix the correct proportions of the tank mix components in a small container. After thorough mixing, let stand for five minutes. If the combination remains mixed or can be readily remixed, the tank mixture is compatible.

CHEMIGATION: DO NOT APPLY this product through any type of irrigation system.

APPLICATIONS: FIRST CHOICE GAVICIDE SUPER 90 is formulated as a "fast break" spray oil and will not stay in solution

unless agitated constantly. Keep agitator running at all times during spray operations. Apply so as to give total coverage to all parts of crop. Thorough drenching of trunks, limbs, twigs and leaves is essential for optimum results.

USE RESTRICTIONS:

Summer Sprays

- DO NOT COMBINE with sulfur sprays and DO NOT APPLY spray oil within 30 days before or after an application of sulfur.
- DO NOT use on foliage closer than 60 days after or 90 days before using captan or folpet products.
- DO NOT MIX with insecticides or fungicides incompatible with oil. Consult your State Agricultural Extension Service for specific compatibilities.
- DO NOT APPLY to trees weakened by disease, drought, freezing temperatures, drying winds, or high nitrogen applications.
- DO NOT APPLY FIRST CHOICE GAVICIDE SUPER 90 prior to or during a period of excessively hot temperatures (>90°F).
- MAINTAIN CONSTANT VIGOROUS AGITATION during application to keep spray oil and water in solution.
- MULTIPLE CONCENTRATE APPLICATIONS may cause plant injury or delayed bud development. Avoid double applications on the ends of crop rows when turning application equipment.

Dormant Sprays

- DO NOT COMBINE dormant spray oil with sulfur or lime sulfur unless the mixture has been tested on the crop and the mixture has been shown to be safe. Oil and sulfur or lime sulfur combinations SHOULD ONLY be used on dormant crops.
- DO NOT USE FIRST CHOICE GAVICIDE SUPER 90 when temperatures are below 32°F (usually nighttime lows) and crop is free of moisture of melting frost or heavy dew.
- DO NOT MIX with insecticides or fungicides incompatible with oil. Consult your State Agricultural Extension Service for specific compatibilities.
- DO NOT APPLY to trees weakened by disease, drought, freezing temperatures, drying winds, or high nitrogen applications.
- MAINTAIN CONSTANT VIGOROUS AGITATION during mixing and application to keep spray oil and water in solution.
- CONCENTRATE APPLICATIONS can delay bud development. Avoid double applications on the ends of crop rows when turning application equipment.

CROP RECOMMENDATIONS

Apply as pests appear. Adjust dosage within recommended range according to pest infestation, crop canopy size, crop condition, etc. FIRST CHOICE GAVICIDE SUPER 90 may be reapplied if pest pressure continues.

ALMONDS, APRICOTS, APPLES, CHERRIES, NECTARINES, OLIVES, PEACHES, PEARS, PLUMS, PRUNES:

Dormant/Delayed Dormant Applications:

To control Scales such as Black Scale, Brown Apricot Scale, Frosted Scale, Italian Pear Scale, Leucanium Scale, Oleander Scale, Olive (parlatoria) Scale, San Jose Scale, Soft Brown Scale, etc., apply 5-8 gals. FIRST CHOICE GAVICIDE SUPER 90 per acre.

For ovicidal control of Whiteflies and Aphids such as Black Cherry Aphid, Black or Green Peach Aphid, Green or Rosy Apple Aphid, Plum Aphid, etc., use 5-8 gals. FIRST CHOICE GAVICIDE SUPER 90 per acre.

For ovicidal control of Mites such as Blister Mite, Brown Almond Mite, European Red Mite, McDaniel Mite, Pacific Mite, Peach Silver Mite, Rust Mite, Strawberry Mite, Two-spotted Mite, etc., apply 5-8 gals. per acre.

DO NOT apply to plums or prunes between bud break and fruit set stages.

Summer Applications:

To control Scales, Whiteflies, Aphids, Mites (see pests listed

above) and Peach Twig Borer, apply 5-8 gals. FIRST CHOICE GAVICIDE SUPER 90 per acre. Reapply as pests appear. To suppress Mites, use 1 1/2 - 4 gals. per acre and repeat as pests appear.

NOTE: Occasional foliar injury may occur on peaches and nectarines from combinations with organophosphate insecticides such as guthion or parathion. DO NOT apply this product to cherries in conjunction with azinphos-methyl based insecticides.

PEARS (in addition to the uses above):

Dormant/Delayed Dormant/Summer Applications:

To control Pear Psylla and Whiteflies, apply 5-8 gals. FIRST CHOICE GAVICIDE SUPER 90 per acre.

Dormant Applications: Pacific Northwest only:

To control Pear Psylla and Whiteflies, use 5-8 gals. FIRST CHOICE GAVICIDE SUPER 90 plus 8-20 lbs. sulfur per acre.

Delayed Dormant Applications: Pacific Northwest only:

To control Pear Psylla and Whiteflies, apply 4 gals. FIRST CHOICE GAVICIDE SUPER 90 plus 8-12 lbs. sulfur per acre.

PISTACHIOS

Dormant/Delayed Dormant Applications: To control soft scales such as Parthenolecanium spp. apply a maximum of 4 gals. FIRST CHOICE GAVICIDE SUPER 90 per acre in AZ and a maximum of 6 gals. per acre in CA.

WALNUTS

Dormant Applications:

To control Scales such as Calico Scale, Frosted Scale, Oyster Shell Scale and others listed above, use 5-7 gals. FIRST CHOICE GAVICIDE SUPER 90 per acre.

For ovicidal control of Walnut Aphid, Whiteflies and Mites such as European Red Mite, Pacific Mite, Two-spotted Mite, etc., apply 5-7 gals. FIRST CHOICE GAVICIDE SUPER 90 per acre. DO NOT apply between bud break and nut set stages. Check with local farm advisor on all recommendations on walnuts.

Summer Applications:

To control Scales, Whiteflies, Aphids and Mites (listed above), apply 5-7 gals. as pests appear through walnut husk split. DO NOT apply after husk splits. To suppress Mites (listed above), use 1 1/2 - 4 gals. FIRST CHOICE GAVICIDE SUPER 90 per acre and repeat as pests reappear. Check with local farm advisor on all recommendations on walnuts.

HOPS

Summer Applications: (NOT REGISTERED FOR USE IN CA) Mites and powdery mildew: For powdery mildew, use 1-2 gals. FIRST CHOICE GAVICIDE SUPER 90 per 100 gallons of water. Start sprays at early leaf stage. Continue sprays on a 10-14 day interval. For mite control, use same spray regime as powdery mildew. Stop sprays at burr development. Apply with ground equipment only. **Caution:** DO NOT use Propargite (Omite) within 40 days following an oil application. DO NOT apply oil within 30 days of a Propargite (Omite) application.

FIGS

Dormant/Delayed Dormant Applications:

To control fig scale apply 3 gals. FIRST CHOICE GAVICIDE SUPER 90 per acre.

KIWIFRUIT

Dormant/Delayed Dormant Applications:

To control Scales such as Latania Scale, Greedy Scale, Oleander Scale and San Jose Scale apply 4-6 gals. FIRST CHOICE GAVICIDE SUPER 90 per acre. DO NOT apply after budbreak. DO NOT use on weak or stressed vines, or where soil moisture is inadequate.

GRAPES

Post Harvest Fall Spray: To control mealybug, apply 2-3 gals. FIRST CHOICE GAVICIDE SUPER 90 per acre in 100 - 300 gallons of water per acre.

Dormant/Delayed Dormant Applications: To control mealybug apply 2-3 gals. FIRST CHOICE GAVICIDE SUPER 90 per acre in 100 - 300 gallons of water per acre plus the appropriate label rate of insecticide registered for use on grapes.

AVOCADOS

Summer Applications: To control mites and thrips using dilute sprays, apply 1-30 gals. FIRST CHOICE GAVICIDE SUPER 90 per acre in enough spray mixture for thorough coverage. In concentrate sprays or aerial sprays use 1-18 gals. per acre. DO NOT exceed 30 gals. per acre per application. When the application of oil is more than 2% v/v, do a small test area and allow enough time for adverse symptoms to develop before treating the larger block.

ORNAMENTALS & SHADE TREES (Apple, Birch, Conifers [see

NOTE], Dogwood, Flowering Peach, Flowering Cherry, Hawthorne, Holly, Magnolia, Maple, Oak, Privet, Pyracantha, Sycamores)

Summer Applications: To control black scale, brown apricot scale, oyster shell scale, red spider mites and eggs, San Jose scale and soft brown scale apply 1 gal. FIRST CHOICE GAVICIDE SUPER 90 per 100 gallons of water. **NOTE:** Application to blue spruce may cause discoloration. Do not use on conifers or ferns not tolerant to oil sprays.

Dormant Applications: To control the same pests listed under summer applications, use 2 gals. per 100 gallons of water on deciduous varieties. Use only 1 gal. per 100 gallons of water for dormant sprays on all other varieties. **NOTE:** Application to blue spruce may cause discoloration. Do not use on conifers or ferns not tolerant to oil sprays.

ENVIRONMENTAL HAZARDS

This product is toxic to fish. Do not apply directly to water, 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 wastewater. Apply this product only as specified on the label. This product is slightly toxic to bees exposed to direct treatment. Can be applied at any time but bees are temporarily inactivated by direct contact and some loss may occur. Consult your Agricultural Extension Service for further protective information.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

WARRANTY LIMITATIONS AND DISCLAIMER

Seller warrants that the product conforms to its chemical description and is reasonably fit for the purpose stated on the label when used in accordance with directions under normal conditions of use, but neither this warranty nor any other warranty of merchantability or fitness for a particular purpose, expressed or implied, extends to the use, storage or handling of this product contrary to label instructions, or under abnormal conditions, or under conditions not reasonably foreseeable to seller, and buyer assumes the risk of any such use. These risks include, but are not limited to, applied, failure to control pests, damage caused by drift to other plants or crops, and personal injury.

NET CONTENTS: _____ GALLONS(_____ LITERS)

Manufactured for:
WESTERN FARM SERVICE, INC.
P. O. Box 1168
Fresno CA 93715

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