11678-69

09/18/2009



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

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCE

Christie Hitchcock Regulatory Specialist Makhteshim Agan of North America, Inc. 4515 Falls of Neuse Rd., Suite 300 Raleigh, NC 27609

SEP 1 8 2009

Subject: Notification(s) for Label Revisions under PRN 2007-4 and 98-10

- 1. Updated address
- 2. Updated warranty statement

Dear Ms. Hitchcock:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 2007-4 and 98-10 dated July 22, 2009 for:

EPA Registration 11678-69 Fosetyl-Al Technical

The Registration Division (RD) has conducted a review of the request(s) for applicability under 2007-4 and 98-10 and finds that the label changes requested fall within the scope of 2007-4 and 98-10. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identify the batch of the pesticide distributed and sold be placed on <u>nonrefillable</u> containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,

Linda Arrington Notifications & Minor Formulations Team Leader Registration Division (7505P) Office of Pesticide Programs

		(Ċ				
Please read instructions on i	reverse before comple	ting form.			Form Ap	proved	(<u>1. יייייאB No</u>	. 2070-00	060. Approv	val expires 2-28-	
United States Environmental Protecti Washington, DC 20			ion Agency				Registratio		OPP Identifier Number		
		Applicatio	n for D		da Saa		Other				
	· · · · · · · · · · · · · · · · · · ·	Applicatio					1				
1. Company/Product Number 11678-69			2. EPA Product Manager Linda Arrington				3. Pi		roposed Classification		
. Company/Product (Name)	· · · · · · · · · · · · · · · · · · ·			PM#)	·····				None	Restricted	
Fosetyl-Al Technical					tration Sup	port l	Branch				
. Name and Address of App Makhteshim Chemica c/o MANA, Inc. 1515 Falls of Neuse I	al Works, Ltd.		1	(b)(i), n to:		s sim				ection 3(c)(3) n and labeling	
Check if this	s is a new address			Produ	ict Name						
			Secti	on -	11						
Amendment - Explain below. Resubmission in response to Agency letter dated			Agency I			rinted labels in repsonse to y letter dated oo" Application.			NOTIFICATION		
Notification - Explain	Other - Explain				below.		SEP 1 8 2009				
alse statements to EPA. I fun n violation of FIFRA and I ma			d penalties (under se	ections 12 and			and 40 CF	R 152.46, th	is product may be	
			Sectio	on - I	11						
. Material This Product Will	1								·		
hild-Resistant Packaging	Unit Packaging		Water Soluble Packaging			2. Type of Contain			ər		
Yes ✓ No	Yes ✓ No			✓ No If "Yes" No. per					:		
Certification must e submitted	If "Yes" Unit Packaging wgt.	No. per container	If "Yes"				Glass Paper Other				
Location of Net Contents	Information	4. Size(s) Ret	ail Containe	r	-4	5. Lo	cation of La	bel Direct	tions		
✓ Label C	ontainer	50 lbs or	less: grea	ter thar	n 50 lbs		on labe	1			
Manner in Which Label is	Affixed to Product	Lithogr Paper Stenci	raph glued led		✓ Other	_Se	elf-adhesive	e			
			Sectio	<u>n - I</u>	V		· · · · · · · · · · · · · · · · · · ·				
Contact Point (Complete	items directly below f	or identification	n of individu	ual to b	e contacted, i	if nec	essary, to p	rocess th	is application	n./	
lame Christie Hitchcock			Title Regulatory Specialist				1 .		one No. (Inciude Area Code) 6-9342		
l certify that the stater I acknowledge that an both under applicable	y knowlinglly false or		all attachm						Receiv	pplication	
2. Signature			3. Title							(
Christie Atcheode			Regulatory Specialist					ιιι <u>ι</u> ιι ιι		ί.	
Typed Name	munul		5. Date						- ^د ر	ι (
Christie Hitchcock			07-22-09					ι ζ ζ ζ ζ			
				<i></i>						ن ې	
A Form 8570-1 (Rev. 3-94) Previous editions are	obsolete.			Whit	le - Ef	PA File Copy	y (origina		y - Applicant Cop	

¢. '



July 22, 2009

Document Processing Desk (NOTIF) Registration Division (7504P) OPP, USEPA Ariel Rios Building 1200 Pennsylvania Ave, NW Washington, DC 20460

Re: Fosetyl-Al Technical; EPA Reg. No. 11678-69 Notification per PRN 98-10 and 2007-4

To Whom It May Concern:

On behalf of Makhteshim Chemical Works, Ltd., we are notifying the Agency of several updates for the above mentioned label as allowed in PR Notices 98-10 and 2007-4. The changes are summarized below:

- Updated the Warranty Statement that is now consistent with EPA's guidance document dated 10-17-06) (allowed per PRN 98-10 §II(J))
- Updated address on product-specific labeling (allowed per PRN 98-10 §IV(D))(note; official EPA records have already been updated; we're just correcting this label)
- Updated container disposal instructions per PRN 2007-4

In support of this submission, the following documents are attached:

- Application for Pesticide Registration (EPA Form 8570-1)
- One copy of final printed labeling

Please contact me at 919-256-9342 or by email at <u>chitchcock@manainc.com</u> if you have any questions regarding this submission or would like a copy of the annotated label showing the changes for your files.

Sincerely,

huite Atchook

Christie Hitchcock Regulatory Specialist

Enclosures

ιςιςι ι ιςιςι

Fosetyl-Al Technical

ACTIVE INGREDIENT:	% BY WT.
Aluminum tris (O-ethyl phosphonate)	
OTHER INGREDIENTS:	
TOTAL:	100.0%

KEEP OUT OF REACH OF CHILDREN CAUTION

Si usted no entiende la etiqueta, busque a algiuen 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.)

NUTIFIC

SEP 1 8 ZUUS

EPA Est. No.

Manufactured for: Makhteshim Chemical Works Ltd. c/o Makhteshim Agan of North America, Inc. 4515 Falls of Neuse Road, Suite 300 Raleigh, NC 27609

EPA Reg. No 11678-69

r.'

NET CONTENTS: ____ LBS

r						
	FIRST AID					
IF IN EYES:	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 ON SKIN OR	Take off contaminated clothing.					
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 by mouth-to-mouth if possible.					
	Call a poison control center or doctor for treatment advice.					
IF	Call a poison control center or doctor immediately for treatment advice.					
SWALLOWED:	 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. 					
HOT LINE NUMBER						
Have the product	Have the product container or label with you when calling a poison control center or doctor, or going					
	ou may also contact Prosar at 1-877-250-9291 for emergency medical treatment					

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION. Causes moderate eye irritation. Harmful if absorbed through skin, inhaled or swallowed. Avoid contact with eyes, skin and clothing. Wear protective eyewear, goggles or face shield, 'or safety glasses, long pants (or coveralls), long sleeved shirt, shoes, socks, and chemical/water resistant gloves. Remove and wash contaminated clothing before reuse. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.



ENVIRONMENTAL HAZARDS

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

Only for use in the manufacturing and formulation of fungicides for the following uses:

- Terrestrial food and feed crops: Avocado (bearing and non-bearing), Citrus (bearing and non-bearing), Macadamia Nuts, Pome Fruit Crop Group (bearing and non-bearing), Almonds (non-bearing), Stone Fruit Crop Group (non-bearing), Blueberries, Caneberries, Cranberries, Grapes (East of the Rocky Mountains Only). Strawberries, Asparagus (California only), *Brassica* Crop Croup, Cucurbit Crop Group, Leafy Vegetable Crop Group, Onion (Dry Bulb), Tomato, Banana, Ginseng, Hops, Pineapple, Tobacco)
- 2) Terrestrial non-food: non-residential turf and ornamentals.

1. 20

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container. Store in a cool, dry place.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

CONTAINER HANDLING: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. Completely empty bag by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into manufacturing equipment. Then dispose of bag in a sanitary landfill or by incineration if allowed by state and local authorities.

LIMITATION OF WARRANTY AND LIABILITY

Read the entire directions for use, conditions 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 must 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 Makhteshim Chemical Works, Ltd. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: To the extent consistent with applicable law, Makhteshim Chemical Works, Ltd. makes no other warranties, express or implied, of merchantability or of fitness for a particular purpose or otherwise, that extend beyond the statements made on this label. No agent of Makhteshim Chemical Works, Ltd. is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. To the extent consistent with applicable law, Makhteshim Chemical Works, Ltd. disclaims any liability whatsoever for special, incidental or consequential damages resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: To the extent consistent with applicable law, the exclusive remedy of the user or buyer for any and all losses, injuries or damages resulting from the use or handling of this product, whether in contract, warranty, tort, negligence, strict liability or otherwise, shall not exceed the purchase price paid or at Makhteshim Chemical Works, Ltd.'s election, the replacement of product.

Fosetyl-Al Technical (11678-69)(กุดปีนี้ได้ EPA 07-22-59)

ιιιιι

ιι, ι

ιιι. εειε