

Reg # 33955 - 420

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

FEB 23 1994

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

James A. Armbruster, Ph.D.
PBI GORDON CORP.
P. O. Box 4090
Kansas City, MO 64101

Subject: Label Amendment Submission of 11/16/93 in Response to PR Notice 93-7
EPA Reg. No. 33955-420
ACME LIME-SULFUR SPRAY

IMPORTANT NOTICE: This Letter Requires You to Submit a Notification to the Office of Compliance Monitoring within 20 Days.

Dear Registrant:

The labeling cited above and submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is accepted subject to the comments listed on the enclosed sheet. A copy of your proposed labeling stamped "ACCEPTED WITH COMMENTS" is enclosed.

SERIOUS ERROR(S) ON SUBMITTED LABELING:

EPA has determined that one or more of the errors on the labeling you submitted to the Agency is categorized as "serious" as defined in PR Notice 93-11. In general, serious errors are those that may create a potential for harm to workers, handlers, other persons, or the environment; or those that prevent the achievement of the basic goals of the Worker Protection Standard (WPS) or FIFRA.

YOU MUST NOT SELL OR DISTRIBUTE (INCLUDING RELEASE FOR SHIPMENT) ANY PRODUCT BEARING THE SUBMITTED LABELING. Sale or distribution of any product with the incorrect labeling is a violation of FIFRA that could result in initiation of an action for civil penalties and/or cancellation of your product. This matter has been referred to the Office of Compliance Monitoring (OCM) for further action.

YOU MUST SUBMIT A NOTIFICATION TO THE OFFICE OF COMPLIANCE MONITORING WITHIN 20 DAYS OF THE DATE OF THIS LETTER.



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Each notification must include the following information:

1. Registrant's name and address.
2. EPA Registration number of the product for which the labeling was submitted.
3. Whether any product already has been sold or distributed (this includes released for shipment) bearing the submitted labeling.

In addition, the notification must include the following information, IF you have already sold or distributed any product bearing the submitted labeling:

1. Quantity of the product that has been sold or distributed.
2. EPA Producing Establishment number.
3. Location of the product, if known.
4. Proposed plan for assuring that product with the incorrect labeling in your control, as well as that in the hands of dealers/distributors/users, will be corrected. The plan must include your proposal for assuring that the labeling is corrected as soon as possible.

Submit the notification to:

Michael Wood, Director
Compliance Division, (7203)
Worker Protection Notification
Office of Compliance Monitoring
U.S. Environmental Protection Agency
401 M Street SW
Washington, DC 20460

Failure to submit a notification also may result in initiation of an action under FIFRA for civil penalties, if you sold or distributed (this includes released for shipment) product bearing the incorrect labeling.

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IN ADDITION, YOU SHOULD CONTACT IMMEDIATELY THE PERSONS TO WHOM YOU SOLD OR DISTRIBUTED YOUR PRODUCT AND INFORM THEM NOT TO SELL OR DISTRIBUTE ANY PRODUCT WITH THE INCORRECT LABELING.

WHAT THIS ACCEPTANCE MEANS:

Based on your certification, the Agency has accepted the labeling changes that are necessary to comply with the WPS labeling requirements of 40 CFR part 156, subpart K, described in PR Notices 93-7 and 93-11. Any other labeling changes submitted in connection with this amendment application but not directly related to compliance with the WPS have neither been reviewed nor accepted by the Agency. If you wish to make such changes, you must submit a separate amendment application proposing them. If your product is currently suspended, the acceptance of this labeling amendment does not affect the suspension in any way.

WHAT YOU NEED TO DO NEXT:

Submit the required notification. Then by the next label printing make all the specified changes to your labeling. Send to EPA one (1) copy of the final printed labeling:

- BEFORE selling or distributing any product bearing the final printed labeling as amended

AND

- WITHIN one year from date of this acceptance.

Submit the final printed labeling via the U.S. Postal Service to:

Document Processing Desk (FIN-LABEL)
Office of Pesticide Programs (7505C)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460-0001

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Hand or courier deliveries of final labeling may be made to:

Document Processing Desk (FIN-LABEL)
Office of Pesticide Programs
Room 266A, Crystal Mall 2
1921 Jefferson Davis Highway
Arlington, VA 22202

Sincerely,



Jim Tompkins, Deputy Chief
Registration Support Branch
Registration Division (7505W)

Attachment

cc: Office of Compliance Monitoring

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division

James A. Armbruster, Ph.D.
PBI GORDON CORP
BOX 4090
KANSAS CITY MO 64101

Comment for: EPA Reg Nr.33955-420
ACME LIME-SULFUR SPRAY

The following specific comments pertain to your WPS labeling submission concerning the product cited above:

User Safety Recommendations must either be placed in a box or printed on the label in a contrasting color from surrounding text.

The bodywear requirement for "applicators and other handlers" in the "Personal Protective Equipment" section on your proposed labeling is missing or incorrect. Remove the incorrect requirement (if any) and add "Coveralls over long-sleeved shirt and long pants." The exact location is shown in Sections A and B on Part I of the Product Worksheet in Supplement Three-A to PR Notice 93-7.

The Agricultural Use Requirements section must be located in a clearly separate box on the product labeling -- with lines or other graphic indicators (such as contrasting color) to separate the section from the surrounding text.

You have incorrectly placed inside the Agricultural Use Requirements box on your proposed labeling the prohibition against applying the product so it contacts any person (and related statements). Remove the following statements from the Agricultural Use Requirements box and place them in the Directions For Use section on your labeling immediately following (or below) the sentence "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 of Tribe, consult the agency responsible for pesticide regulation." The exact location is shown in Section F on Part 2 of the Product Worksheet in Supplement Three-A to PR Notice 93-7.

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PBI GORDON CORP
EPA Reg. Number: 33955-420
ACME LIME-SULFUR SPRAY
Application date: 11/16/93
Original Submission

A chemical-resistant apron is not required for early entry. Remove the requirement for "chemical-resistant apron" from the early entry personal protective equipment requirements in the Agricultural Use Requirements box.

Correct the typographical errors circled on your proposed label.

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ACME® LIME SULFUR SPRAY

Dormant Clean-up For Shrubs, Roses, Fruit and Shade Trees.

ACTIVE INGREDIENT:		
Calcium Polysulfides		29.00%
(Total combined Sulfur not less than 23%)		
INERT INGREDIENTS		<u>71.00%</u>
	TOTAL	100.00%

KEEP OUT OF REACH OF CHILDREN

DANGER

POISON

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 some one to explain it to you in detail.)

See back panel for Precautionary Statements and Statement of Practical Treatment.

NET CONTENTS 32 FL. OZ. (1 QT.)

829/1193WPS AP
EPA REG NO 33955-420
EPA EST NO 2217-KS-1

DISTRIBUTED BY ACME DIVISION
PBI/GORDON CORPORATION
KANSAS CITY, MISSOURI 64101

ACCEPTED
with COMMENTS
in EPA Letter Dated

FEB 23 1994

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

33955-420

STQPI READ THE ENTIRE LABEL FIRST. OBSERVE ALL PRECAUTIONS
AND FOLLOW DIRECTIONS CAREFULLY.

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PRECAUTIONARY STATEMENTS

Hazards to Human and Domestic Animals

DANGER: Avoid contact with face and hands. Fatal if swallowed, inhaled or absorbed through skin. This product is corrosive to flesh because of its caustic alkaline nature and it causes irreversible eye damage and skin burns. Do not breathe dust, vapor, or spray mist or get in eyes, on skin, or on clothing. ~~Wear coveralls over long-sleeved shirt and long pants, socks, chemical resistant footwear and waterproof gloves. Use a respirator with MSHA/NIOSH approval prefix #TX-21C for dust/mist filtering and use protective eyewear such as goggles or face shield. Wear chemical resistant headgear to protect from overhead exposure. Wear chemical resistant apron when mixing or loading this pesticide. Wash thoroughly with soap and water after handling and before eating, drinking, and using tobacco. Remove contaminated clothing and wash before reuse.~~

~~If farm workers are unable to read, they must be given oral warnings and must be assured that they understand label precautions and first aid treatments. Warnings must be given in an appropriate language if workers do not understand English. Oral warnings should be given to inform workers of areas or fields which should not be entered without protective clothing, the amount of time the area or field should be vacated and first aid actions to take in case of accidental exposure.~~

Personal Protective Equipment (PPE):

Applicators and other handlers must wear long-sleeved shirt and long pants, waterproof gloves, chemical resistant footwear plus socks, protective eyewear, chemical-resistant headgear for overhead exposure, chemical-resistant apron when cleaning equipment, mixing, or loading, and dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C).

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 no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

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

Statement of Practical Treatment

IF SWALLOWED: Call a physician or poison control center. Promptly drink one or two glasses of water and induce vomiting by touching back of throat with fingers. Do not induce vomiting or give anything by mouth to an unconscious person.

IF INHALED: Remove victim to fresh air. If not breathing, give artificial respiration, preferably mouth to mouth. Get medical attention.

IF IN EYES: Flush eyes with a gentle steady stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate gastric lavage.

Environmental Hazards: For terrestrial uses, 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 washwaters.

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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.

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 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 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, consult the agency in your State responsible for pesticide regulation.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 48 hours.

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, wear: coveralls over long-sleeved shirt and long pants, waterproof gloves, chemical-resistant footwear plus socks, protective eyewear, chemical-resistant headgear for overhead exposure, and chemical-resistant apron when cleaning equipment, mixing, or loading.

STORAGE & DISPOSAL

STORAGE: Keep from freezing. Store product in a secure locked place, inaccessible to children, pets and livestock. Do not store near food or feedstuffs.

PRODUCT DISPOSAL: Securely wrap original container in several layers of newspaper and discard in trash.

CONTAINER DISPOSAL: Do not reuse container. Rinse thoroughly before discarding in trash.

- USE PRECAUTIONS -

Do not apply this product through any type of irrigation system. Do not use an oil spray within three weeks following a Lime Sulfur application. Do not use on foliage when temperatures exceed 85°F. Do not spray in the heat of the day. Take care that spray drift does not contact light painted surfaces as dark stains or spots may result. Rinse all equipment thoroughly with water after use. Apply this product only as specified on this label.

(See Mixing Table For Proper Dilutions.)

ROSES: Use at Early Spring strength in late fall after leaves drop, and again in spring before buds swell, for control of San Jose and Rose Scales. Use Summer Foliage strength during growing season at 10 to 14 day intervals for powdery mildew, red spider mites and rust control. Observe precautions in hot weather.

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APPLES, CHERRIES, PLUMS AND PEARS: Use at Dormant Strength before buds swell in the spring for control of San Jose scale. For pear leaf blister mite, delay application until buds begin to swell, as these pests overwinter in the buds. For apple scab, blotch and powdery mildew control, use at Summer Foliage Strength at cluster bud and pre-bloom stage. Spray nursery stock and non-bearing fruit trees to clean up these same pests.

PEACHES: For control of peach leaf curl, brown rot blossom blight, San Jose scale, and twig borers, spray at Dormant Strength after leaves drop in the fall. Repeat the application in the spring before the buds begin to swell. Make one application at Summer Foliage strength at petal fall to aid in control of scab and brown rot. Do not use on apricots in semi-arid regions such as the West Coast as such use may cause damage.

GRAPES: For control of powdery mildew and anthracnose, spray once using Summer Foliage strength when new shoots are 4 to 6 inches long. Some injury may occur on existing foliage. Use ACME WETTABLE DUSTING SULFUR for rest of season at 7 to 10 day intervals.

RASPBERRIES AND BLACKBERRIES: For control of red berry mites, anthracnose, powdery mildew and rust, spray once when new canes are 8 to 12 inches high at Early Spring strength. Repeat in fall for red berry mites.

CURRENTS AND GOOSEBERRIES: For powdery mildew control, use Summer Foliage strength before and after blooming. Do not spray on fruit.

SHADE TREES, SHRUBS AND HEDGES: For control of San Jose scale, rose scale, olive scale, larch case bearer, leaf blotch, maple gall, boxwood canker, powdery mildew, anthracnose and nectria canker, apply at Dormant Strength. On hedges, spray main stems and limbs. Avoid spraying leaves as much as possible. Do not use on broadleaf evergreens, such as Euonymus and Rhododendrons, or allow spray to drift on these susceptible species. May be used on spruce and pines.

MIXING TABLE AND DIRECTIONS			
Amount of Spray Desired	Dormant	Fall and Early Spring	Summer Foliage
1 gallon	3/4 pint	5 tablespoons	3 teaspoons
3 gallons	2-1/2 pints (5 cups)	1/2 pint (1 cup)	3 tablespoons
50 gallons	5 gallons	1 gallon	1 quart

LIMITED WARRANTY AND DISCLAIMER.

The manufacturer warrants only that the chemical composition of this product conforms to the ingredient statement given on the label, and that the product is reasonably suited for the labeled use when applied according to the Directions for Use.

THE MANUFACTURER NEITHER MAKES NOR INTENDS ANY OTHER EXPRESS OR IMPLIED WARRANTIES, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE EXPRESSLY DISCLAIMED. This limited warranty does not extend to the use of the product inconsistent with label instructions, warnings or cautions, or to use of

the product under abnormal conditions such as drought, excessive rainfall, tomadoes, hurricanes, etc. These factors are beyond the control of the manufacturer or the seller. Any damages arising from a breach of the manufacturer's warranty shall be limited to direct damages, and shall not include indirect or consequential damages such as loss of profits or values, except as otherwise provided by law. || 9 ||

The terms of this Limited Warranty and Disclaimer cannot be varied by any written or verbal statements or agreements. No employee or agent of the seller is authorized to vary or exceed the terms of this Limited Warranty and Disclaimer in any manner.