

34913-15

3-30-2007

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Peggy M. Galloway
Registration Agent for SSI Maxim Company, Inc.
c/o Landis International, Inc.
P.O. Box 5126
Valdosta, GA 31603-5126

MAR 30 2007

SUBJECT: Application for Pesticide Notification – NY Restrictions
SPRAKIL SK-13 Granular Weed Killer
EPA Reg. No. 34913-15
Application Dated February 13, 2007

Dear Ms. Galloway:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the product above. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please me directly at 703-305-6249 or Terri Stowe of my staff at 703-305-6117.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

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

Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060. Approval expires 2-28-



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input checked="" type="checkbox"/>	Amendment
<input type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 34913-15	2. EPA Product Manager Jim Tompkins	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) SPRAKIL SK-13 Granular Weed Killer	PM# 25	
5. Name and Address of Applicant (Include ZIP Code) SSI MAXIM COMPANY, INC. c/o Landis International, Inc. P. O. Box 5126, Valdosta, GA 31603-5126 <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 identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION MAR 30 2007
<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 restriction of use in Nassau and Suffolk Counties, New York, in accordance with letter from New York State dated November 21, 2006.

SEE ATTACHED STATEMENT.

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"/> Text <input type="checkbox"/> No		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
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 Peggy M. Galloway	Title Regulatory Agent	Telephone No. (Include Area Code) 229-247-6472
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 <i>Peggy M. Galloway</i>	3. Title Regulatory Agent	
4. Typed Name Peggy M. Galloway	5. Date February 13, 2007	

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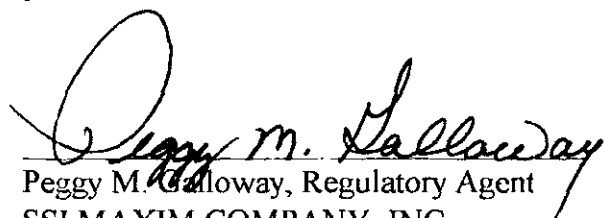
U.S. ENVIRONMENTAL PROTECTION AGENCY
Application of Pesticide Amendment (EPA Form 8570-1)

SPRAKIL SK-13 Granular Weed Killer
EPA Registration No. 34913-15

NOTIFICATION
MAR 30 2007

Section - II. Explanation

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 Confidential Statement of Formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to the 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.


Peggy M. Galloway, Regulatory Agent
SSI MAXIM COMPANY, INC.

Feb. 13, 2007
Date



LANDIS
INTERNATIONAL
R & D MANAGEMENT

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NOTIFICATION

MAR 30 2007

February 13, 2007

VIA FEDERAL EXPRESS

Mr. Jim Tompkins, Product Manager (Team 25)
Herbicide Branch
U. S. EPA OPP Registration Division (7504P)
Document Processing Desk (AMEND)
One Potomac Yard, Room S4900
2777 S. Crystal Drive
Arlington, VA 22202

**SUBJECT: SPRAKIL SK-13 Granular Weed Killer
EPA Registration No. 34913-15**

Dear Mr. Tompkins:

We have received the enclosed letter from New York State dated November 21, 2006, regarding the subject product. Our label contains required ground water advisory statements and numerous statements intended for the protection of ground water. The label specifically contains the statement, "Do not apply SpraKil SK-13 within areas identified by state and local authorities as protected ground water recharge zones." The State of New York has identified Long Island as a protected ground water recharge zone. Accordingly, they are requiring that we amend our label to include the statement, "This product cannot be sold, distributed or used in Nassau and Suffolk Counties, New York."

On behalf of SSI MAXIM COMPANY, INC., please find the following documents in response to this letter from New York:

- EPA Form 8570-1 - Application for Pesticide Amendment - NOTIFICATION
- Copy of letter from New York State Department of Environmental Conservation dated November 21, 2006, requiring the addition of the following restriction: "***This product cannot be sold, distributed or used in Nassau and Suffolk Counties, New York.***"
- Five copies of draft labeling incorporating the changes identified in the New York State's letter.

We appreciate your continued assistance with these registrations. If you have any questions or need additional information, please do not hesitate to contact us at any time.

Best regards

Peggy M. Galloway
Registration Agent for
SSI MAXIM COMPANY, INC.

Enclosures

New York State Department of Environmental Conservation

Division of Solid & Hazardous Materials

Bureau of Pesticides Management

Pesticide Product Registration Section

625 Broadway, Albany, New York 12233-7257

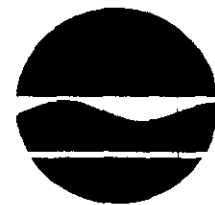
Phone 518-402-8768 FAX 518-402-9024

Website: <http://www.dec.state.ny.us/website/dshdm>

E-Mail: ppr@gw.dec.state.ny.us

NOTIFICATION

MAR 30 2007



Denise M. Sheehan
Commissioner

November 21, 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Susanne Holt
SSI Maxim Company, Inc.
c/o Landis International
PO Box 5126
Valdosta, Georgia 31603

Dear Ms. Holt:

Re: Concerns Regarding the Registration of Tebuthiuron Containing Products in New York State

The New York State Department of Environmental Conservation (Department) has received inquiries regarding the registration of tebuthiuron containing products in New York State. Currently, your company has one tebuthiuron containing product, **SpraKil SK-13 Granular Weed Killer** (EPA Reg. No. 34913-15), registered in New York State.

According to the United States Environmental Protection Agency's (USEPA's) Reregistration Eligibility Decision (RED) document, "tebuthiuron is persistent and mobile and can leach to ground water, as indicated by a small-scale retrospective ground water study. It is resistant to biological and chemical degradation, and its principle route of dissipation in the environment appears to be mobility. Transport to ground water through leaching and to surface water through run-off are likely as a result of tebuthiuron's persistence and low adsorption to soil."

The SpraKil SK-13 Granular Weed Killer label contains ground water advisory statements and numerous statements intended for the protection of ground water. The product also contains the following statement: "Do not apply SpraKil SK-13 within areas identified by state and local authorities as protected ground water recharge zones."

Since Long Island consists mainly of permeable soils over a shallow water table which is considered a sole source drinking water aquifer, it is considered a protected groundwater recharge zone. Therefore, your tebuthiuron product cannot be legally used on Long Island.

The Department must take a proactive approach to protect this precious drinking water source.

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Therefore, you must submit updated product labeling which clearly states that the product cannot be sold, distributed or used in Nassau and Suffolk Counties, New York. Updated labeling must be received before the registration of these products can be renewed.

If SSI Maxim Company, Inc. chooses not to clarify the label in regard to use on Long Island, the Department will not renew the registration of this product and it will be cancelled as of **March 31, 2007**.

Please be aware that any unregistered product may not be sold, offered for sale, distributed, or used in New York State.

Also, to insure that your product will be used in strict accordance with label directions, the product will be re-classified as "restricted use" in New York State. This restriction is in accordance with 6NYCRR Part 326.23(e) and will take effect as of **January 1, 2007**.

Please be reminded products classified as "restricted use" in New York State are restricted in their purchase, distribution, sale, use, and possession in New York State.

Also, according to New York State Department of Environmental Conservation Regulations 6NYCRR 326.3(a): "It shall be unlawful for any person to distribute, sell, offer for sale, purchase for the purpose of resale, or possess for the purpose of resale, any restricted pesticide unless said person shall have applied for, and been issued a commercial permit."

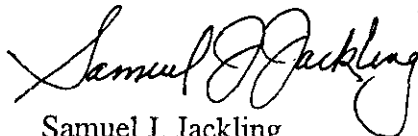
Should you require information to obtain a commercial permit, please contact the Pesticide Reporting & Certification Section, at (518) 402-8748.

In addition, the Pesticide Reporting Law (PRL) in the Environmental Conservation Law Article 33 Title 12 requires all certified commercial pesticide applicators to report information annually to the Department regarding each pesticide application they make. **Commercial pesticide retailers are required to report all sales of restricted pesticide products and sales of general use pesticide products to private applicators for use in agricultural crop production.** If no sales are made within New York State, a report still must be filed with the Department indicating this is the case.

If you need information relating to the Pesticide Reporting Law, or annual report forms, please visit the Department's website at <http://www.dec.state.ny.us/website/dshm/pesticid/prl.htm> or call (518) 402-8748.

If you have any questions, please contact Jeanine Broughel, of my staff, at (518) 402-8768.

Sincerely,



Samuel J. Jackling
Chief
Pesticide Product Registration Section

SPRAKIL SK-13 GRANULAR WEED KILLER

ACTIVE INGREDIENTS:

Tebuthiuron: N-(5-(1, 1-dimethylethyl)-1, 3, 4-thiadiazol-2-yl)-N, N-dimethylurea	1.0%
Diuron: [3-(3, 4-dichlorophenyl)-1, 1-dimethylurea]	3.0%
OTHER INGREDIENTS:	96.0%
Total:	100.0%

NON-CROP WEED CONTROL INDUSTRIAL USE ONLY

SpraKil SK-13 Granular is a nonselective herbicide for controlling a wide range of annual and perennial weeds and grasses. It is recommended only for non-cropland areas such as railroad rights-of-way, under paved surfaces, and industrial areas. 150 to 400 pound applications of SpraKil SK-13 Granular per acre usually result in a nonproductive condition of the soil for a period of a year or more. The duration of nonproductivity is dependent upon rainfall, soil type, and other conditions.

SpraKil SK-13 Granular should be applied as furnished with a seed spreader, a fertilizer spreader, a shaker type applicator, or with any equipment which will distribute the chemical uniformly over the area to be treated. For the control of annual and most perennial weeds and grasses, apply SpraKil SK-13 Granular at the rate of 150 to 400 pounds per acre; on smaller plots, 0.35 to 1.0 pound per 100 square feet. Repeat spot treatment may be required when deep-rooted perennial weeds are present. To obtain the best results, SpraKil SK-13 Granular should be applied to the ground where it will be absorbed by the roots. Applications made early in the season have been found to give results superior to applications at a later seasonal date. SpraKil SK-13 Granular may, however, be applied at any time of the year except when the ground is frozen. Maximum effectiveness in arid regions is obtained when application is made just prior to the rainy season. For control of undesirable weeds under paved surfaces, SpraKil SK-13 Granular can be used under asphalt and other paved areas in industrial sites or where the pavement has a suitable barrier along the perimeter that

prevents encroachment of roots of desirable plants. Users should consult state agricultural experimental stations or extension service weed specialists for recommendations as to use in their particular area.

IMPORTANT: Do not apply on or near desirable woody or herbaceous plants or on areas where their roots may extend because of possible injury to such plants. Thoroughly clean spreading equipment with a suitable chemical cleaner before using for other purposes (or do not use same spreading equipment for other purposes). Do not contaminate irrigation ditches or water used for domestic purposes. Do not use on croplands or any land to be used for subsequent cropping. Keep animals off treated areas. Do not re-use this container. Destroy when empty.

STORAGE AND DISPOSAL

DO NOT contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE: Store product in original container only, away from other pesticides, fertilizer, food, or feed.

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 FOR BAG: Completely empty bag into application equipment. Then 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.

CONTAINER DISPOSAL FOR PAIL: Triple rinse (or equivalent). Then offer for recycling or dispose of 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

1. Seller warrants that this product consists of the ingredients specified and is reasonably fit for use as directed on the label. No one other than officer of Seller is authorized to make any warrant, guarantee, or direction concerning this product. 2. Because the time, place, rate of application, and other conditions of use are beyond Seller's control, Seller's liability from handling, storage, and use of this product is limited to replacement of product or refund of purchase price.

KEEP OUT OF REACH OF CHILDREN CAUTION!

FIRST AID

IF IN EYES:	• Hold eyes open and rinse copiously and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eyes. • Call a poison control center or doctor for treatment advice.
IF ON SKIN OR CLOTHING:	• 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 SWALLOWED:	• 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 a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
For emergency information, contact CHEMTREC at 1-800-424-9300 (24 hours). Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
SEE ADDITIONAL PRECAUTIONARY STATEMENTS	

MANUFACTURED BY:
SSI MAXIM CO., INC.
P.O. Box 1954 • Kilgore, TX 75663

NSN 6840-01-457-6576

EPA REG. NO. 34813-13
EPA EST. NO. 36578-TX-1

NOTIFICATION

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SPRAKIL SK-13

GRANULAR WEED KILLER

PRECAUTIONARY STATEMENTS

HAZARD TO HUMANS & DOMESTIC ANIMALS

CAUTION

Causes moderate eye irritation. Harmful if absorbed through skin. Avoid contact with eyes, skin, or clothing. Prolong or frequently repeated skin contact may cause allergic reaction in some individuals. Wash thoroughly with soap and water after handling.

Applicators and other handlers must wear:

- Long sleeved shirt and long pants
- Shoes plus socks
- Chemical resistant gloves made of any waterproof material

ENVIRONMENTAL HAZARD

In case of spills, collect, cover, or incorporate granules/pellets spilled on the soil surfaces to prevent contamination to water. Do not apply 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.

GROUND WATER ADVISORY

This product is known to leach through soil into ground water under certain conditions as a result of registered (rangeland and non-crop) uses. Use of this product in areas where soils have rapid to very rapid permeability, particularly where the water table is shallow, may result in ground water contamination.

Use Restrictions for Ground Water Protection

Vulnerable Sites: To minimize any movement of tebuthiuron to subsurface water, do not exceed the

application rates specified below on treatment sites where soils have a sand or loamy sand texture throughout the soil profile and all of the following characteristics:

1. Rapid to very rapid permeability.
2. Absence of well-defined organic layers or a textural B-horizon (restricting layer of fine-textured soil).
3. The water table of an underlying aquifer is shallow.

An aquifer is defined as an "underground saturated, permeable geologic formation capable of producing significant quantities of water to a well or spring". It is the ability of the saturated zone, or portion of that zone, to yield water which makes it an aquifer (American Chemical Society, 1983). Local agricultural agencies can provide further information on the type of soil in your area and the location of shallow ground water aquifers.

Do not apply Sprakil SK-13 in areas where the water table is predominately shallow (5 feet or less), such as marshy or sub irrigated areas, or areas immediately adjacent to streams or lakes which are periodically flooded, unless such use is allowed under a state-approved pesticide management program. Note: Also on such areas, woody plants rooted directly in a shallow water table are minimally affected by applications of tebuthiuron, and poor woody plant control will result.

Do not apply Sprakil SK-13 within areas identified by state or local authorities as protected ground water recharge zones.

[INSERT]

DIRECTIONS FOR USE

IT IS A VIOLATION OF FEDERAL LAW TO USE THIS PRODUCT IN A MANNER INCONSISTENT WITH ITS LABELING.

For vegetation control by broadcast (ground equipment) and banded applications:

The maximum label rate and frequency of application is 200 lbs. Sprakil SK-13/acre once every three years for

vulnerable areas (where soils are sandy and depth to water table is shallow). For all other areas, Sprakil SK-13 may be applied one time in a 3-year period at rates up to 400 lbs./acre; however, no more than 600 lbs./acre may be applied in two consecutive treatments in any 6-year period.

Spot treatments (hand-held equipment): Sprakil SK-13 may be applied at rates up to the equivalency of 400 lbs./acre when needed.



SSI MAXIM CO., INC.

P.O. Box 1954 • Kilgore, TX 75663
www.ssilmaxim.com
(800) 346-4781

This product cannot be sold, distributed or used in Nassau and Suffolk Counties, New York.