

PM 19 41014-9

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

MAR 30 1994

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Michael H. Watts
KINCAID INTERPRISES INC.
BOX 549
NITRO, WV 25143

Subject: Label Amendment Submission of 11/01/93 in Response to PR Notice 93-7
EPA Reg. No. 41014-9
MARLATE 400 FLOWABLE CONCENTRATE

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 reflected on the enclosed sheet. A copy of your proposed labeling stamped "ACCEPTED WITH COMMENTS" is enclosed.

WHAT THIS ACCEPTANCE MEANS:

Based on your certification, the Agency has accepted the labeling changes that are necessary to comply with the Worker Protection Standard (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 not been reviewed or 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:

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
- AND
- WITHIN one year from date of this acceptance.



Recycled/Recyclable
Printed with Soy/Canola Ink on paper that
contains at least 50% recycled fiber

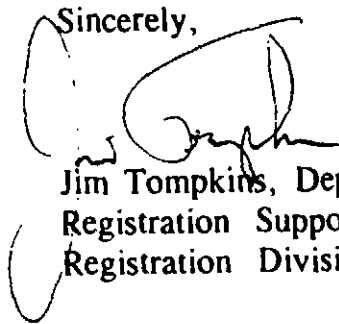
Submit the final printed labeling via the U.S. Postal Service to:

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

Hand or courier deliveries of final printed 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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division

Michael H Watts
KINCAID ENTERPRISES INC
BOX 549
NITRO, WV 25143

Comment for: EPA Reg Nr.41014-9
MARLATE 400 FLOWABLE CONCENTRATE

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

The requirement under the heading "Personal Protective Equipment" must state: "Applicators and other handlers must wear:". Cross out your lead-in statement and replace it with correct one. EXCEPTION: If you have an entirely separate PPE section specifying what "Mixers and loaders must wear", the requirement under the heading "Personal Protective Equipment" must state: "Applicators and other handlers (other than mixers and loaders) must wear:". Cross out your lead-in statement and replace it with the correct one.

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

You must retain from your original label any statements about entry restrictions that apply to the non-agricultural uses on your product. Create a Non-Agricultural Use Requirements box in the Directions For Use section of your labeling and add the statements: "The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses." Then add to the box the statements that are in brackets [Do not enter treated areas without protective clothing until sprays have dried] on your original label. Please refer to the instructions for creating a Non-Agricultural Use Requirements box starting on page 45 of Supplement Three to PR Notice 93-7 (Main Labeling Guidance).

Delete the crossed-out statements on your proposed label. They are redundant statements for phrases.

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MARLATE 400 INSECTICIDE FLOWABLE CONCENTRATE

CONTAINS 4.0 LBS. TECHNICAL METHOXYCHLOR PER GALLON

FOR DAIRY AND BEEF CATTLE & CERTAIN OTHER LIVESTOCK
CROPS • BUILDINGS • ORNAMENTALS

ACTIVE INGREDIENTS	BY WEIGHT
Methoxychlor Technical*	40.5%
Inert Ingredients	59.5%

*40.5 Methoxychlor Technical is equivalent to 35.64% 2,2-bis (p-methoxyphenyl)-1,1,1-trichloroethane and 4.86% other isomers and reaction products.

EPA Registration No. 41014-9
EPA Establishment

BEST AVAILABLE COPY

ACCEPTED
with COMMENTS
In EPA Letter Dated

MAR 30 1994
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
41014-9

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS &
DOMESTIC ANIMALS

Add Signal Word
CAUTION

Precautionary Statements: Caution - Harmful if swallowed. Avoid breathing dust. Avoid contact with skin, eyes or clothing. Wash ~~thoroughly after handling.~~ *delete*

Personal Protective Equipment: Handlers who may be exposed to the dilute through application or other tasks must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks

Handlers who may be exposed to the concentrate through ~~mixing, loading, application, or other tasks~~ must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks

not needed as PPE is the same

User Safety Recommendations: Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

ENVIRONMENTAL HAZARDS

This product is toxic to fish. For terrestrial uses, do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water by cleaning of equipment or disposal of wastes.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited.

Storage: Reclose container after each use. Store in a cool, dry place away from food or feed. If spilled, sweep up and dispose of below.

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: Completely empty bag, then dispose of bag in a sanitary landfill or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of the smoke.

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.

Do not apply this product through any type of irrigation system.

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 restrictive-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:

- Coveralls
- Waterproof gloves
- Shoes plus socks

BEST AVAILABLE COPY

MUSHROOM HOUSES

For control of Mushroom Fly use 1 pint in 3 gallons of water, apply 1 gallon of spray to 500 sq ft of beds, walls, floors and posts. Apply 3 weeks and 1 week before emergence of mushrooms.

FOR STORED GRAIN

Grain Storage Bins, Gallery floor, Elevator Tunnels, Headhouse, Peanut Ware houses, Grain Freight Cars, Grain Trucks, Ships' Holds

Aids in control of Cadelle, Flat Grain Beetle, Saw toothed Grain Beetle, Lesser Grain Borer, Red Flour Beetle, Long Headed Flour Beetle, Rice Weevil, Granary Weevil, Confused Flour Beetle, Foreign Grain Beetle, Grain Moth and Hairy Fungus Beetle

Use 1 pint in 2 1/2 gallons of water, apply 1 gallon of spray per 500 sq ft of surface. Treat when empty.

FARM BUILDINGS (Except Poultry Houses)

For control of Stable Flies, Houseflies, Face Flies, Hornflies, Flies, Mosquitoes Use 1 pint to 2 1/2 gallons of water. Apply 1 gallon of spray to 500 sq ft of surface, treating walls, floors, cracks, crevices, baseboards, pet bedding, stalls and pens. Such heavy deposits usually are effective for 3 to 6 weeks unless removed by weathering or other means. Care should be taken to avoid contamination of milk handling equipment, feedstuffs, feed troughs and water receptacles. Dairy animals should not be present while spraying. The use of any residual fly spray should be supplemented with proper sanitary measures, including the spraying or removal of breeding sources such as manure in and around buildings.

MOSQUITO CONTROL:

"Marlite" Flowable is effective in the control of mosquitoes, both Adult and Larvae on non-agricultural land and may be applied as a spray mist from suitable equipment.

DIRECTIONS

Spraying Equipment. Mist blowers or sprayers require mixing of "Marlite" Flowable in water solution and applying as a spray to areas frequented by Adult Mosquitoes.

	Water	"Marlite" Flowable	Conc	Acre Rate
For 100 gal of spray solution	98 gals	2 gals	1%	0.5# actual per acre
For 3 gals (Small tank sprayers)	3 gals	1.2 pt	1%	0.5# actual per acre

Note: 5.7 gallons of spray should cover 1 acre.

AIRCRAFT SPRAYING:

Over large land areas for low volume aircraft spraying mix 1 gallon of "Marlite" Flowable in 30 gallons of water and apply approx. 4 gallons per acre.

MOSQUITO LARVAE

On non agricultural land, beaches and public park areas, using Mist Blowers or Power Sprayers:

Mix 1/2 pint of "Marlite" Flowable in 10 gallons of water and apply to 1 acre. Spray marshland, swamps and low lying areas, standing water and puddles. Thorough even coverage is essential for effective control. Application rates should be equivalent to 0.2# actual per acre sprayed. Repeat as necessary for control. Apply only to known Mosquito breeding sites and in approved spray areas.

Shrimp and crabs may be killed at application rates recommended on this label. Do not apply where these are important resources.



KINCAID ENTERPRISES

P. O. BOX 671 • NITRO, WV 25143

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Blackberry, Loganberry, Raspberry, Boysenberry, Dewberry, Youngberry, Strawberry

For control of Rose Chaler, Strawberry Weevil, Flea Beetles, Omnivorous Leaf Tier, Spittlebugs, Japanese Beetle. Use 1 to 1.2 quarts per acre or 100 gallons per acre. PHL: 14 days.

Grapes

For control of Berry Tenth, Grape Leafhopper, Japanese Beetle, Leaf Skeletonizer, Rose Chaler. Use 1.3 quarts per acre or 1 to 1.2 quarts per 100 gallons water at 100 to 200 gallons per acre. PHL: 14 days.

VEGETABLES

Asparagus

For control of Asparagus Beetles, use 1 quart to 5 pints per acre. PHL: If applied within 3 days of harvest remove residues by washing or blanching.

Beans, Black Eyed Peas

For control of Corn Earworm, Cucumber Beetles, Fall Armyworm, Alfalfa and Garden Webworms, Flea Beetles, Mexican Bean Beetle, Potato Leafhopper, Bean Leaf Beetle, Japanese Beetle. Use 1.3 quarts per acre. PHL: 7 days apply within 3 days of harvest if vines are not used for feed or forage.

Brussels Sprouts, Beets, Broccoli, Cabbage, Carrot, Cauliflower, Collards, Eggplant, Kale, Kohlrabi, Lettuce, Pepper, Radish, Rutabaga, Spinach, Turnip

For control of Blister Beetles, Flea Beetles, Leafhoppers, Alfalfa Looper, Fall Armyworm, Japanese Beetle, Imported Cabbageworm use 1 quart to 5 pints per acre. PHL: 14 days except cauliflower and rutabaga, 7 days, cabbage, 3 days, eggplant, kohlrabi and pepper, 7 days (1 day, at 3 pints per acre or less).
Corn:

For control of Fall Armyworm, Armyworm, Japanese Beetle, Flea Beetles 1 quart to 5 pints per acre. PHL: 7 days.
Cucumbers, Melons, Pumpkin, Squash, Summer Squash:

For control of Squash Vine Borer, Fall Armyworm, Cucumber Beetles, Flea Beetles. Use 1 to 3 quarts per acre. PHL: 1 day for rates of 3 pints per acre and below otherwise 7 days.

Peas

For control of Alfalfa Looper, Pea Weevil (to foliage early bloom before eggs are laid and again 5 days later), Bean Leaf Beetle: 1 to 3 quarts per acre. PHL: 7 days.

Potato (fresh):

For control of Colorado Potato Beetle, Flea Beetles, Fall Armyworm, Leafhoppers, Blister Beetles: 1 quart to 5 pints per acre. PHL: None.

Sweet Potato, Yams:

For control of Fall Armyworm, Flea Beetles 1 quart to 5 pints per acre. PHL: none.

Tomato:

For control of Colorado Potato Beetle, Flea Beetles, Fall Armyworm, Leafhoppers, Blister Beetle. Use 1-3 quarts per acre. PHL: 1 day for rates of 3 pints per acre and below; otherwise 7 days.

LIVESTOCK

Beef Cattle; Sheep; Swine; Non-Lactating Dairy Cattle, Non-Lactating Goats:

For control of Hornflies, Faceflies, Stable Flies, Lice and Fleas

Spray or Dip: Use 1 quart in 25 gallons of water. As a spray, wet animals to the skin. For control of tail louse on cattle, use 2 to 3 quarts in 25 gallons of water and apply as a spray on the infested tail only. Do not dip calves under one month of age. Application on sheep, following shearing, gives temporary relief from sheep ticks (keds).

Repeat treatment every 3 weeks as needed, may be used on young dairy animals up to two weeks of freshening.

Do not use on Dairy Goats. Do not apply to lactating animals within five (5) hours of milking or during milking.

SEED TREATMENT DIRECTIONS

Add MARLATE Insecticide Flowable Concentrate to cool tap water and mix thoroughly for 15 minutes to prepare the MARLATE dilution.

Add 1.25 ounces of a suitable liquid dye* to each 5 gallons of the MARLATE dilution and mix for an additional 10 minutes.

Add mixture of MARLATE Insecticide Flowable Concentrate dilution and dye to seed at the following rate in any seed applicator assuring complete and uniform coverage. This product is normally used in a liquid or slurry seed treaters, but can be mixed by hand with a wooden paddle.

Seed	Fluid ozs. of conc. diluted to 1 Gallon	Application Rate (cc of diluted product per 100 lbs. of seed)
Beans (Snap & Dry) Soybeans	0.9	240
Cowpeas, Peanuts	1.1	270
Corn (Field)	0.9	370
Peas, Lima Beans, Lentils	1.0	320
Sesame	0.75	480
Rice	1.0	420
Sorghum, Millet	1.2	420
Cantaloupe, Cucumber, Pumpkin, Squash, Watermelon	1.95	250
Castor Beans, Velvet Beans	1.2	420
Cotton (acid delinted)	1.8	270
Wheat	1.4	370
Rye, Oats	1.2	480
Corn (Sweet)	1.55	420
Eggplant, Okra, Tomato	1.9	320
Barley	1.4	530
Flax		

Beet (Garden), Broccoli, Brussels Sprouts, Cabbage, Carrot, Cauliflower, Collards, Grasses, Kale, Kohlrabi, Endive, Mustard, Lettuce, Pepper, Radish, Small Seed, Legumes, Spinach, Swiss Chard, Turnip, Alfalfa, Clover

* 21CFR Chapter 1, Section 3.13 requires grain seed treated with poisonous substances in excess of recognized tolerances be suitably colored to prevent their subsequent inadvertent use as food for man or feed for animals.

NOTICE OF WARRANTY

Kincad Enterprises, Inc. warrants that this product conforms to the chemical description on the label thereon and is reasonably fit for the purposes stated on this label only when used in accordance with the directions under normal use conditions. It is impossible to eliminate all risks inherently 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 Kincad Enterprises, Inc. In no case shall Kincad Enterprises, Inc. be liable for consequential, special or indirect damages resulting from the use or handling of this product. All such risks shall be assumed by the buyer. Kincad Enterprises, Inc. makes no warranties of Merchantability or fitness for a particular use, other express or implied warranty except as stated above.

FOREST AND SHADE TREES:

For control of the following insects (see table) use a water spray solution with a mist blower or sprayer at rates recommended in the following table.

Mix 1/2 gallon of "Marlate" Flowable Insecticide in 3 gallons of water for Mist Blower solution, or 1 quart of "Marlate" Flowable Insecticide in 100 gallons of water for conventional power sprayers.

Insects	Pints of 6% Solution Per Tree				Gallons Per Acre
	Tree Height				
	35-50'	50-65'	65-80'	80-120'	
Cankerworm	2	2	3	4	2
Eastern Tent Caterpillar	2	2	3	4	2
Elm Leaf Beetle	2	4	6	8	
Fall Webworm	0.5	1	2	3	1
Forest Tent Caterpillar	1	1.5	2	3	2
Gypsy Moth	0.5	1	2	2	2
Japanese Beetle	-	4	4	4	3
Lace Bugs (Oaks and Sycamore)	1.5	2	3	4	2
May Beetle	1.5	2	3	4	2
Tussock Moth	2	2	3	4	2

PREPARATION OF SPRAY SOLUTIONS:

12% Spray: Dilute 1 part "Marlate" Flowable Insecticide with 2 parts of water. 6% Spray: Dilute 1 part "Marlate" Flowable insecticide with 6 parts of water. 2% Spray: Dilute 1 part "Marlate" Flowable insecticide with 24 parts of water. 1% Spray: Dilute 1 part "Marlate" Flowable insecticide with 48 parts water.

CONTROL OF ELM BARK BEETLE (vectors of Dutch Elm Disease)

Apply first application before Elm flowers or leaves sprout, using a 12% spray solution with a mist blower, or a 2% solution in a conventional sprayer. This application will usually be applied in March in the Southern States and in April in the Northern States. Use 2 to 3 gallons of spray solution per tree, wetting all surfaces thoroughly. A 2nd application should be made 2-1 2 to 3 months after first treatment. Reduce the active ingredient to 6% for mist blower and 1% for conventional sprayer. Cover all leaf and bark surfaces.

CONTROL OF ELM LEAFHOPPER (vectors of Elm Phloem Necrosis):

Apply first application when Elm leaves are fully grown. Use a 6% spray solution of "Marlate" Flowable with a mist blower, or a 1% spray solution in a conventional sprayer. This application will be made in May in the Southern States and in June in the Northern States. Thoroughly cover all leaf surfaces. When second flush of growth appears, usually 1 to 2 months after "at treatment, repeat the above application covering all leaf surfaces thoroughly.

In those States where both the Elm Leafhopper and Elm Leaf Beetle are known to be present, a three spray schedule will provide effective control. Apply protective spray before Elm flowers or leaves sprout, follow with a 2nd protective spray 2-1 2 to 3 months after the first. Then apply the 3rd protective spray about 1 to 3 months after the 2nd protective spray. Be sure to thoroughly cover all bark and foliar surfaces with each protective spray.

FLOWERS AND ORNAMENTALS:

For control of Blister Beetles, Cankerworms, Cucumber Beetles, Flea Beetles, Fleahoppers, Flower Thrips, Japanese Beetle, Leafhoppers, Rose Chaler, Rose Slugs (Sawflies). Mix 1 tablespoon of "Marlate" Flowable in 1 gallon of water, spray thoroughly to runoff. Begin applications when insects first appear and repeat at 7-14 day intervals or as needed.

AGRICULTURAL CROPS:

Apply "Marlate" Flowable at recommended rates as a spray with ground or aerial equipment to thoroughly cover foliage and fruit. Mix "Marlate" Flowable in water using the appropriate volume of water for equipment to be used (for example 5 to 20 gallons per acre for aircraft or ground concentrate sprayers and greater amounts for high volume sprayers). For small areas, use 1 tablespoon of "Marlate" Flowable per gallon of water and apply as a thorough coverage spray.

Begin spray applications at first sign of infestation (for fruits begin at petal fall) and repeat at 7-14 day intervals as are needed. Do not apply to crops within the number of days specified before harvest or grazing as shown by PHL (pre harvest limitation).

FORAGE AND FIELD CROPS

Alfalfa, Clover, Cowpea, Forage Grasses
For control of Alfalfa Caterpillar, Alfalfa Weevil, Narva, Clover Leaf Weevil, Blister Beetles, Leafhoppers, Cucumber Beetles, Mexican Bean Beetle, Web worms, Armyworms, Fall Armyworm, Cowpea Curculio, Flea Beetles, Japanese Beetle, Pea Weevil, Spittlebugs, Velvet Bean Caterpillar, use 1 quart to 3 quarts per acre. PHL: 7 days.

Peanut, Soybean
For control of Velvet Bean Caterpillar, Mexican Bean Beetle, Japanese Beetle, Blister Beetle, Garden Webworm, Alfalfa Weevil, Cowpea Curculio, Leafhoppers, Fall Armyworm. Use 1 to 3 quarts per acre. PHL: 7 days.

FRUITS

Apple, Pear, Quince
For control of Apple Maggot, Codling Moth, Japanese Beetle, Plum Curculio, Tent Caterpillars. Use 1 to 2 gallons per acre or 1 quart to 1.2 quarts in 100 gallons of water at 350-500 gallons per acre. PHL: 7 days.

Apricot, Cherry, Nectarine, Peach, Plum, Prune
For control of Cherry Fruitworm, Cherry Fruitflies, Japanese Beetle, Plum Curculio, Rose Chaler, Tent Caterpillar, Cankerworms. Use 1 to 2 gallons per acre or 1 to 1.2 quarts per 100 gallons of water at 350-500 gallons per acre. PHL: 7 days for cherries, plums, prunes, 21 days for apricots, nectarines, peaches.

Blueberry, Cranberry, Currant, Gooseberry
For control of Japanese Beetle, Cranberry Fruitworm, Leafhoppers, San Jose Scale (for fruit). Use 1 quart to 3 quarts of "Marlate" Flowable per acre or 1 to 1.2 quarts per 100 gallons of water at 100 to 200 gallons per acre. PHL: 14 days.