

42697-37

09/25/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mark Mongiovi
Woodstream Corporation
69 N. Locust Street
Litiz, PA 17543-0327

SEP 25 2009

Subject: Label Notification(s) for Pesticide Registration Notices 2007-4 and 98-10
1. Updated warranty statement

Dear Mr. Mongiovi:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 and 98-10 dated August 12, 2009 for:

EPA Registration 42697-37

Safer Brand Garden Fungicide Concentrate

The Registration Division (RD) has conducted a review of this request for applicability under PR Notice 2007-4 and 98-10 and finds that the label changes requested falls within the scope of PR Notice 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 identifying the batch of the pesticide distributed and sold be placed on nonrefillable 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,

A handwritten signature in black ink, appearing to be "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 05-31-98

 EPA United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other: NOTIFICATION	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 42697-37	2. EPA Product Manager Mary Waller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Safer® Brand Garden Fungicide Concentrate	PM# 21	
5. Name and Address of Applicant (Include ZIP Code) Safer Inc. a wholly owned subsidiary of Woodstream Corporation 69 North Locust Street Lititz PA 17543-0327	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 _____	
<input type="checkbox"/> Check if this is a new address		

Section - II

<input type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application <input type="checkbox"/> Other - Explain below
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NOTIFICATION

SEP 25 2009

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)

Warranty Statements (Updated As Per EPA Warranty Statement Guidance Document Dated October 17, 2006): Please reference attached 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 USC Sec. 1001 to willfully make false statements to 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.

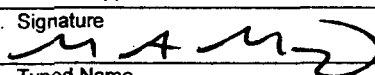
Notification of Label Action Per PR-Notice 2007-4: Storage & Disposal Statements - Please reference attached explanation

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

Section - III

1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Unit Packaging wgt. No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt. No. per container	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify)
*Certification must be submitted			
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(s) Retail Container 16oz	5. Location of Label Directions <input checked="" 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"/> Other <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)		
Name Chad Mateer	Title Regulatory Affairs Manager	Telephone No. (Include Area Code) 717-626-2125 x426
Certification		6. Date Application Received (Stamped)
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.		
2. Signature 	3. Title Product Compliance Specialist	
4. Typed Name Mark Mongiovi	4. Date 9-29-09	

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ATTACHMENT TO NOTIFICATION DATED 9-29-09

EPA Reg. No.: 42697-37

NOTIFICATION
SEP 25 2009

NOTIFICATION OF LABEL ACTION PER PR-NOTICE 2007-4:

Storage & Disposal Statements

MASTER LABEL – BACK PANEL (Page 2 of 6)

STORAGE AND DISPOSAL:
DO NOT CONTAMINATE WATER, FOOD OR FEED BY STORAGE OR DISPOSAL.
Pesticide Storage: Store in cool place. Store only in original container in a cool, dry area inaccessible to children and pets. Protect from freezing and heat. Keep container tightly closed to prevent evaporation.
Pesticide Disposal and Container Handling: Non-refillable container. Do not reuse or refill this container. If Empty: Place in trash or offer for recycling if available.
If Partly Filled: Call your local solid waste agency or (800) CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

Warranty Statements

(Updated As Per EPA Warranty Statement Guidance Document Dated October 17, 2006):

MASTER LABEL-BACK PANEL (Page # 3 of 3)

Woodstream Corp. and its subsidiaries will not accept liability for damage or injury resulting from misuse. For information on this pesticide product (including health concerns, medical emergencies, or pesticide incidents) call the National Pesticide Information Center at 1-800-858-7378.

Note: Seller warrants that this product complies with the specifications expressed in this label. To the extent consistent with applicable law, Seller makes no other warranties, and disclaims all other warranties, express or implied, including but not limited to warranties of merchantability and fitness for the intended purpose. To the extent consistent with applicable law, Seller's liability or default, breach or failure under this label shall be limited to the amount of the purchase price. To the extent consistent with applicable law, Seller shall have no liability for consequential damages.

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 USC Sec. 1001 to willfully make false statements to 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.


Mark Mongiovi
Product Compliance Specialist
Woodstream Corporation

9/29/09



69 N. Locust Street
P.O. Box 327
Lititz, PA 17543-0327
(717) 626-2125
Fax: (717) 626-5350
www.woodstreamcorp.com
www.saferbrand.com
www.victorpest.com
www.havahart.com
www.perkypet.com
www.fishock.com

OK

August 12, 2009

Document Processing Desk [NOTIF]
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

ATTN: Notification Division
SUBJECT: Safer, Inc., a wholly owned subsidiary of Woodstream Corporation
Safer® Brand Garden Fungicide Concentrate (EPA Reg. No. 42697-37)
Notification of Label Action Per PR-Notice 2007-4
Warranty Statements (Updated as per EPA Warranty Statement Guidance Document dated October 17, 2006)

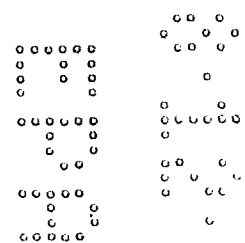
Please find enclosed a Notification of Label Action as per PR-Notice 2007-4 and revision of Warranty Statements (Updated as per EPA Warranty Statement Guidance Document dated October 17, 2006). Also enclosed is a copy of our revised master label with changes highlighted and an additional clean copy for your records.

If you have any questions and/or need any additional information, please call me at (717) 626 -2125 ext: 219 or email mmongiovi@woodstream.com.

Sincerely,

Mark Mongiovi
Product Compliance Specialist
Woodstream Corporation

Enclosures:
Notification of Label Action
Highlighted Master Label
Clean Copy of Master Label



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MASTER LABEL-FRONT PANEL (Page #1 of 1)

SAFER® BRAND GARDEN FUNGICIDE CONCENTRATE

[Additional Brand Names]

Garden Fungicide For Flowers, Fruit, and Vegetables - Safer® Brand

[Optional Logos/Marketing Claims]

- Controls Powdery Mildew, Black Spot & Rust
- Concentrate
- Makes 4 Gallons
- Always Shake Well Before Using

NOTIFICATION
SEP 25 2009

ACTIVE INGREDIENT:	BY WT.
Sulfur.....	12.0%
OTHER INGREDIENTS:.....	<u>88.0%</u>
TOTAL:.....	100.0%

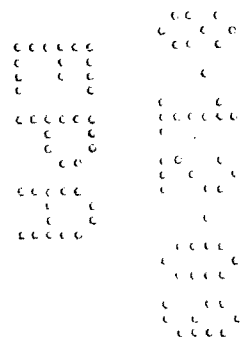
KEEP OUT OF REACH OF CHILDREN

CAUTION

(See back panel for Precautionary Statements and First Aid)

www.victorpest.com

Net Contents: 16 fl. oz. (473 ml)



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MASTER LABEL-BACK PANEL (Page #1 of 3)

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION: Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

FIRST AID	
If in eyes:	<ul style="list-style-type: none"> - 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.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-858-7378 for emergency medical treatment.	

ENVIRONMENTAL HAZARDS

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 rinsate or equipment washwater.

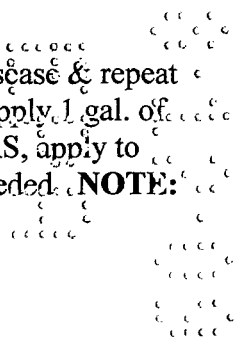
DIRECTIONS FOR USE:

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

SHAKE WELL. For control of BLACK SPOT, LEAF SPOT, and RUST, mix 1 part concentrate to 30 parts water or 4 fl. oz. (8 TBS) per gallon. For POWDERY MILDEW mix 2 fl. oz. (4 TBS) per gallon of water. Place about half of the volume of water in sprayer, add concentrate, stir well, add rest of water and mix thoroughly. Run agitator on large tank sprayers. For coverage, see individual applications. Spray plants thoroughly to wet the upper and lower surfaces of foliage. Repeat as recommended.

To control powdery mildew, leaf spot, and rust on FLOWERS, FOLIAGE PLANTS & ORNAMENTALS spray at 7 to 10 day intervals or as needed. To control powdery mildew, black spot and rust on ROSES, spray at 7 to 10 day intervals or following rain. Be sure to treat new growth & buds. Avoid spraying when plants are in full sun or temperature exceeds 85°F. Apply 1 gal of mix to each 350 sq. ft.

To control powdery mildew on BEANS & PEAS, spray at first sign of disease & repeat at 7 day intervals as necessary. May be used up to day before harvest. Apply 1 gal. of mix to each 250 sq. ft. To control powdery mildew on APPLES & PEARS, apply to thoroughly wet foliage. Apply at pre-bloom stage or after petal fall as needed. **NOTE:**



MASTER LABEL-BACK PANEL (Page #2 of 3)

Some apple and pear varieties are sulfur sensitive; test for varietal sensitivity prior to full-scale treatment.

To control powdery mildew on POTATOES, spray before disease appears & repeat as necessary. Apply 1 gal. of mix to each 350 sq. ft. On CUCUMBERS and SQUASH, spray when powdery mildew appears & repeat as necessary. Do not spray young plants. Apply 1 gal. of mix to each 600 sq. ft.

To control *powdery mildew* on STRAWBERRIES, spray when disease appears and repeat as necessary. Do not spray young plants. Apply 1 gal. of mix to each 300 sq. ft. **NOTE:** Do not apply to strawberries that will be used for canning. May be used up to the day before harvest.

To control *powdery mildew* on GRAPES, thoroughly cover foliage. Begin when new shoots are 6-10 inches. Repeat before blooms open and at 14-day intervals as needed. **CAUTION:** Do not apply to wine grapes within 21 days of harvest. Sulfur may damage concord and other labrusca varieties.

HOME GREENHOUSES: To control *powdery mildew*, *leaf spot* and *rust* on bedding plants, propagates, fruits and vegetables: Mix 1 part concentrate to 30 parts water (8 TBS per gal.) and apply according to above recommendations by crop type. Test for phytotoxicity before full-scale application. **USE CAUTIONS:** Some plants are susceptible to injury from sulfur under certain climatic conditions. Do not apply on Boston fern, spinach, apricots, filberts, walnuts, and viburnum. Do not apply when temperature exceeds 85°F. Do not apply for at least 4 weeks following application of an oil spray or within 4 days of other pesticides. Be sure to wash & rinse spray equipment thoroughly after each use. Do not allow mixed spray to stand in spray equipment.

REENTRY: Avoid contact with plants until spray has dried.

STORAGE AND DISPOSAL:
DO NOT CONTAMINATE WATER, FOOD OR FEED BY STORAGE OR DISPOSAL.
Pesticide Storage: Store in cool place. Store only in original container in a cool, dry area inaccessible to children and pets. Protect from freezing and heat. Keep container tightly closed to prevent evaporation.
Pesticide Disposal and Container Handling: Non-refillable container. Do not reuse or refill this container. If Empty: Place in trash or offer for recycling if available.
If Partly Filled: Call your local solid waste agency or (800)-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

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MASTER LABEL-BACK PANEL (Page # 3 of 3)

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Note: Seller warrants that this product complies with the specifications expressed in this label. To the extent consistent with applicable law, Seller makes no other warranties, and disclaims all other warranties, express or implied, including but not limited to warranties of merchantability and fitness for the intended purpose. To the extent consistent with applicable law, Seller's liability or default, breach or failure under this label shall be limited to the amount of the purchase price. To the extent consistent with applicable law, Seller shall have no liability for consequential damages.

Distributed by
Safer®, Inc., a wholly owned subsidiary of Woodstream Corporation
69 North Locust Street
Lititz PA 17543
1-800-800-1812 for information

EPA Reg. No. 42697-37

EPA Est. No. 63416-MN-01

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